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THE QUARTERLY REVIEW.

ART. I.—*A Bill for preventing the unlawful Disinterment of Human Bodies, and for regulating Schools of Anatomy.* 1829.

OUR medical readers will probably think that the following statement, on a most important subject, consists of little more than truisms, and that we are taking great pains to enforce what nobody doubts. Our answer is, that we are not writing to them, but to our legislators and to the public; and if they imagine that these are sufficiently impressed with the importance and true bearings of the question which we are about to explain, they know little of the state of feeling and opinion on the subject. They will think, too, that we have treated the subject in a way far too homely; that we depend for success on propositions as to which the public, if they will but reflect, know as much as ourselves; that we ought to have entered into professional details, and made our readers stare by learning and hard words: but here again we differ from them. We are convinced that, in the present case, the most homely arguments are the most home, and that the public will be most likely to be moved by considerations which they have but to open their eyes in order to appreciate,—which require only to be stated to be acknowledged,—which, like many other things, have ceased to impress men strongly only by reason of their familiarity.

It is of *little* consequence to medical men, but of *vital* consequence to the public, that the former should be well instructed in their profession,—as well, at least, as is consistent with the difficulty of the art, the brevity of life, and the ordinary mediocrity of the human mind. To medical men it is important only in as much as it is more gratifying to practise an art with the consciousness of knowledge than with that of ignorance, and pleasanter to assuage pain, restore health, and rescue life, than to witness suffering without the power of relief, and disease which they cannot arrest. But further than this it is of no importance to them at all, not even with a view to lucre; for whether they be well or ill educated, knowing and skilful, or ignorant and incompetent, they are equally sure, as a class, of employment and maintenance. The public cannot tell the difference, and even

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if that were otherwise, they could not help themselves. A sick man must employ either nobody, or old women and quacks—or educated medical men with all their imperfections; and, objectionable as the latter often are, such is the timidity of sickness, the anxiety for relief, and the disposition to lean on other minds when our own are too weak to stand alone, that few sufferers will consider this alternative, and not conclude in their favour.

But, of what importance is it to the public, that those to whom they apply for relief should be so instructed as to be able to afford it. It may be painful to *witness* suffering which cannot be relieved, and disease which cannot be arrested, but how much worse is it to *endure* them? The public have no notion of the power of medical men in families where sickness is going on: the monks had less in the plenitude of their influence. An ignorant man to whom a family have given possession of their confidence (a mistake which people, with all their sagacity, are continually committing) may not only fail to do good, and inflict irreparable mischief, but may occasion a quantity of unnecessary alarm, trouble, expense, and sacrifice, which amount to as great an evil as sickness itself. If he pronounces some hidden part to be diseased, which requires a long, troublesome, and expensive mode of treatment, who is to gainsay him? The patient scarcely knows that he has such a part, or where it is placed, much less its healthy or diseased condition. The doctor only possesses the means of reconnoitring its state: whatever he reports, however false, is believed; and whatever he directs, must be done. He may tell his patient that his liver is too large, that his brain is soft (*ramollissement de cerveau:* in pathology this does not mean foolishness); or that disease has fixed on some organ, of which he never heard before, as his '*mucous membranes*,'—and it is wonderful how the news will affect him. Give a disease 'a local habitation and a name,' and though it may be neither visible nor tangible, nor perceptible by any of his senses, it will fasten on his imagination, influence his feelings, and make him as docile as a lamb: the doctor may do any thing with him. Of what importance is it that persons possessed of so much power should have the knowledge necessary to use it properly! To relate all the blunders we have seen committed by ill-informed practitioners of medicine and surgery, lives lost, health ruined, limbs sacrificed, trifles mistaken for dangerous cases, and dangerous cases mistaken for trifles, measures employed which required the greatest sacrifices, and which turned out to be unnecessary and injurious—to relate all these would require a thousand and one nights, and days beside.

Those who are behind the scenes, who have sense enough to perceive the truth, and candour enough to confess it, will acknowledge

knowledge that this statement is not overcharged. Not that medical men are more wrong-headed than others, for the same abundance of mistakes are committed in all the practical pursuits of life. Our servants, our tradesmen, our builders, our lawyers, are constantly committing blunders. One-third of the affairs of life are done wrong. The errors of medicine are only the ordinary errors of the human mind exemplified on a subject of extraordinary importance.

In England, nine-tenths of the medical men practise both medicine and surgery; that is an undeniable fact; and it is equally certain, that to make a decent surgeon, requires not only anatomical instruction, but also the practice of dissection. It is as impossible to make a surgeon by showing him the dissected body, and expounding to him the various parts of which it consists, as it is to make a painter by showing him pictures, or a carpenter, by taking him into a workshop to see the men bore, nail, plane, and saw. The painter must acquire dexterity in the use of his brush; the carpenter must handle his chisel, his adze, his plane, and his saw; and the surgeon must not only see the parts dissected, but he himself must dissect them again and again, and rehearse those operations on the dead body, which he will have to perform on the living body in the sick chamber, the cockpit, the field of battle, or the hospital.

The medical and surgical students who come annually to London for this kind of education, are in number about eight hundred or one thousand. To instruct them in the knowledge of anatomy and the art of dissection, the only legal means are the bodies of executed murderers, which scarcely amount to twelve annually throughout England. In London, a year sometimes passes without the anatomical schools receiving a single body from this source, and they have rarely received more than one in a year. These are the only means which the feelings of the public, and the laws of the land, afford for the anatomical education of a thousand students; and medical men have been driven to this alternative,—either to abandon the practice of dissection altogether, and allow surgery to relapse into its state a thousand years ago, or to procure bodies by illegal and repulsive means.

It is well for the public that they have preferred the latter; but the methods adopted are of the most abominable kind. Ruffians called Resurrection-men (the blasphemy of the name is forgotten in its familiarity) gain a precarious and dangerous livelihood by breaking open graves, robbing them of their recent inhabitants, and selling the produce of their depredations to the teachers of anatomy. To what an extent such pursuits may brutalize those employed in them, we have lately had appalling instances in

Burke and Hare. Whenever they are detected, they are the objects of legal punishment and popular fury. No wonder—but, however natural these feelings may be, and however reasonable these laws, the study of anatomy is thereby prohibited.

The following curious particulars were communicated before the Anatomical Committee by three resurrection-men. Who can help smiling at the way in which these wretches estimate their calling? It seems that they do not consider themselves as thieves; and the thieves proper are ambitious to be called resurrection-men:—

First Resurrection-Man.—"Every ground in London is watched by men put into them at dark, who stop till day-light, with fire-arms. . . . . You are subject to be shot; and if you are taken, the parish prosecutes you, and you may get six or twelve months imprisonment. A man may make a good living at it (stealing bodies) if he is *a sober man, and acts with judgment.* There is a great many of them that profess to get subjects that I suppose do not get four subjects in a twelvemonth; a great many of them that has lately got into the business, and have almost been the ruin of it. The greatest part of the men that have lately got into the business, *they are nothing but petty common thieves.* Being out late at night, if they are met by the police, they can say they are out getting subjects for the surgeons. They have usually a horse and cart. I should suppose there are at present in London between forty or fifty men that have *the name of raising subjects*, and that there is but two more, besides myself, that get their living by it. If you are friends with a grave-digger, the thing will be all right to know what bodies to get—if you are not, you cannot get them. The bodies I have got was twenty-three in four nights. It was only one year I got one hundred. Perhaps the next year I did not get above fifty or sixty. They would not mind shooting a man as dead as a robber if they caught him in a churchyard. If you were pointed out that you are a resurrection-man, *they are prejudiced against you.*" [An odd taste!] "Once, I suppose I was not above two yards from the man that shot at me. It was a little bit of ground behind a chapel. They laid by in the chapel for me and another man. We were after two subjects. When I go to work, I like to get those of poor people buried from the workhouses, because, instead of working for one subject, you may get three or four. I do not think, during the time I have been in the habit of working for the schools, I got half a dozen of wealthier people." "Of the other men who are employed in raising bodies, how many are there you would consent to go out with?" "Not above two or three." "Why would you not go out with the others?" "*Because they are all thieves*, and they never supplied the schools in their lives: *they get a subject or two, and call themselves resurrection-men.*" [What odd forms the last weakness of a noble mind may take!]

Second Resurrection-Man, formerly the captain of the only band in

in London, now retired from practice.—"The course I should take would be to have the workhouse subjects: we can get them out of the burial-ground without any difficulty whatever. I am satisfied that there are three or four workhouses that would supply every subject that would be wanting. That was the point I laid down before an honourable member who consulted me, but he would not consent to it. I believe the custom of claiming bodies as those of relatives is constantly done. I never did so myself. I did attempt it once myself, but was detected. It was at St. John's; and we should have obtained the body, but a committee was sitting that evening of the parish, which was sitting at the workhouse where the body lied to be owned. The constable happened to come into the workhouse at the time, and he knew me, and that prevented it, or else we should have certainly had the body. I left off in 1820: to be sure I did go out at different times afterwards, but then we had our men shot away from us, and it was very dangerous. On one occasion one man was shot in four places, and we took him away with us: to be sure I had never gone out with him before, and he was an incautious hand.

Third Resurrection-Man.—"We could not obtain the rich so easily because they were buried *so deep.*" "If the law were altered in the manner alluded to, would you continue the practice of exhumation?" "*No, I would never open a grave.*"—*See Evidence of A. B., and C. D., and F. G., before the Select Committee of Anatomy.*

But this mode of procuring bodies led to an evil which few perhaps had anticipated; the increasing demand for them, from the increasing number of students, and the increasing sense of the necessity for anatomical knowledge, together with the dangers to which resurrection-men were exposed, raised the price of bodies from two guineas to ten, or sometimes even to sixteen, so that the price became a temptation to murder. Sir Astley Cooper, on being asked what he thought of resurrection-men, answered, 'There is no crime they would not commit; if they imagined that I should make a good subject they would not have the smallest scruple, if they could do the thing undiscovered, to make a subject of me.'—Sir Henry Halford said, '*When there is a difficulty in obtaining bodies, and their value is so great, you absolutely throw a temptation in the way of these men to commit murder for the purpose of selling the bodies of their victims.*' Sir Henry's prophetic opinion was given in May, 1828, and a few months afterwards the public were appalled by the discovery of the anatomical murders at Edinburgh. But although these are the only instances that have been detected, there can be little doubt that similar deeds had been done before, and are perpetrated still. An eminent surgeon tells us, that when he was young in practice, and had leisure to keep up his anatomical knowledge by dissection, he had a dissecting-room in his own house,

house, and that bodies were sometimes brought to him under very mysterious circumstances. One evening a body was brought into his dissecting-room; it was that of a young woman who appeared to have died in perfect health, and our friend could not help saying to himself, 'She looks as if she had never been buried.' The man who brought her said that he could procure him bodies of any kind, male or female, of any age, fat or thin, to order. The suspicion of murder never crossed his mind until he read the trials of Burke and Hare. This is rather an old story; but another surgeon, of high anatomical reputation, with whom we conversed on these matters very lately, assures us that he has had no doubt, during several years past, as to the frequent perpetration of murder, for resurrection-men purposes, in this city. He informs us, that students are of late much in the habit of purchasing, for private dissection, not a whole body at a time—but a limb, or a part of a limb—so that it is obvious a human butcher may realise abundant wages of blood without exhibiting to his customers the slightest means of discovering under what circumstances the machine, of which a fragment only is before each of them, ceased to move. At the time when this article meets the public eye, the price of bodies in the London dissecting-rooms is from thirteen to sixteen guineas!

But these means are not only illegal, repulsive to good dispositions, and brutalizing to bad ones,—they are likewise insufficient. The number of bodies procured annually for the anatomical schools of London is between three and four hundred: that is, considerably less, upon the lowest calculation of students, than one body to two pupils, a provision clearly insufficient to make them all what they ought to be—expert dissectors. This would require two bodies to one pupil, that is, nearly two thousand annually. The result of this deficiency is, that it is impossible for the great body of the students to procure a good anatomical education in England. Many go abroad for this purpose, especially to Paris and Germany; but the greater number, wanting both time and money, settle in practice with a very deficient knowledge of this fundamental branch of their profession. Many, in fact, do not dissect at all; although the annual number of students in London is estimated at eight hundred or one thousand, the annual number of dissecting pupils is only five hundred.

On whom does the evil fall?—as we have already shown, on the public: for these young men, who, under the denomination of students, seem to be of no importance but to themselves and to their relatives, are by and by distributed throughout the kingdom, and, pitching their tents in its different cities, towns, and villages, in a few years, their elders clearing away, the whole medical and

and surgical care of the public comes into their hands,—every vein that is opened—every wound that is dressed—every fracture or dislocation that is set, or attempted to be set—every limb that is amputated—every hernia which is operated upon,—is done by them;—that is, by hands which have never acquired the requisite dexterity, because the laws of the land, and the feelings of the public, forbid it. It has been said *in Parliament!* that the evil falls chiefly on the poor, as the rich can always procure the best advice; but this, which would be no consolation for us if it were true, is a gross mistake. It is evident that the rich who have houses in London can, whilst in London, procure the attendance of eminent hospital surgeons, who, from the length and peculiar advantages of their education, were practical anatomists before they became practical surgeons. It is also true that men quite equal to these in anatomical knowledge and surgical skill are occasionally found in our provincial cities; but these are rare exceptions to the general rule; for the greater number of those who attend, not only the poor, but the rich, throughout the island, are the persons who have suffered most severely from the impediments to their anatomical education. They settle and they thrive,—many of them as amply as if they had the most perfect knowledge of their profession; by dint of natural ability, good manners, and great industry, they push themselves into very lucrative employment: but this meritorious body of men feel the defects of their anatomical education throughout life. The rich, moreover, who have houses in London, are not always there —they spend half the year in the country; and if, during their residence at their seats, they are attacked by illness which requires surgical treatment, they must depend for health, and perhaps for life, on the provincial practitioners. The following case must still be in the recollection of many of our readers:—A distinguished nobleman, playing at cricket at his country-seat, was seized with strangulated hernia. It could not be reduced; and the surgeons of the neighbourhood were either unwilling or not permitted to operate. An express was sent to London, and a skilful hand —we believe the late Sir James Earle—went down; but when he arrived it was too late. The bowel was liberated by an operation; but it had been strangulated so long as to occasion mortification, and the noble patient died. If our readers imagine that this is a rare instance, we can only smile at their unsuspicious ignorance. We could fill a volume with instances, but we shall give only one more: it was more fortunate in its result, and rather farcical in its progress; yet it serves to show how useless and mischievous an animal is a surgeon without a knowledge of anatomy. It used to be related by Mr. Abernethy, in his lectures.

'Considering,

'Considering,' said he, 'the way in which the lower jaw is fixed, there is but one direction in which it can be dislocated. When the condyles are upon the eminentiæ articulares, it is possible they may burst the capsules, and slip over them; and this is the only dislocation that can take place in the jaw. How is it to be reduced? Put your fingers into the mouth, so as to make a lever of the dislocated bone; then, if you press the chin up, you depress the condyles, and the joint slips in. If you attempt to close the mouth, the condyles still lodging where they were, you never will reduce it. There was a major in the army, who had the misfortune of frequently dislocating his jaw; and it was an infirmity he cared very little about, for he was generally moving about with his regiment, and when he put it out, the regimental surgeon put it in again. But it happened that on one occasion he was fourteen or fifteen miles from where the regiment was quartered, dining with a gentleman, and being rather merry after dinner, laughing heartily, the jaw slipped out. His mouth, of course, remained wide open, and it was impossible to close it while the condyles remained out of their sockets. His mouth remained open; and no one can articulate with the mouth in that situation; but he made an inarticulate noise, and the host, being very much surprised, considered that there was something wrong with him, and sent for a medical man, residing in the neighbourhood, whom, if you please, we will for the present call the apothecary. He said, when he saw the major, that there certainly was something wrong with him,—that there was something wrong with the jaw,—and that, in fact, it was dislocated; and he began to pull the jaw, for the purpose of putting it into its proper place. Now, that would take it just farther from its proper socket. The officer, knowing the simplicity of the case, and how it ought to be done, was so enraged that a man should be so presumptuous as to put up a pestle and mortar above his door, and yet not know how to put in a dislocated jaw, that he vented his rage in a most furious manner, but in a very inarticulate way; and the apothecary took it into his head that the man was mad: and, faith, it was very near verified; for Mr. Pestle's suggestion put the major into a terrible rage, which actually confirmed the apothecary's opinion. He therefore threw him down, put a straight waistcoat on him, left him lying on his back, and then sent him some cooling draughts, and some lotion for the jaw, and a blister for his head. The major then found that there was nothing for him but submission; and after some time had elapsed, he made signs for pen, ink, and paper; and as these were not instruments which it was supposed he could very much injure himself with, they were furnished to him; and when he got them he wrote on the paper just these words:—"For God Almighty's sake, send with all possible speed to Mr. So-and-so, surgeon of the regiment." That was considered a very reasonable request; and therefore they sent off a man on horseback for the surgeon immediately. The surgeon came, took off the blister, and immediately set the dislocation.'

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We shall be told that the errors of medical men are not all occasioned by ignorance of anatomy, but that many of them spring from want of information in other branches of the profession, from haste, or from natural defect of judgment. This is true; but this acknowledgment leaves still a prodigious number of errors behind, essentially dependent on want of anatomical knowledge. In all those cases which are relieved by manual assistance, a familiar knowledge of the anatomy of the part and manual dexterity are essentially necessary. There is also a crowd of purely medical cases in which, judgment and knowledge of other subjects being the same, the best anatomist is the best physician. This was one of the two reasons why the late Dr. Baillie* was considered the first physician of his time; the other was, that he had the clearest head.

Thus far,—to return to our immediate subject,—there is nothing of injustice in the laws. A nation has a perfect right to say, we will forego the advantages of this knowledge, rather than purchase them at such a price: we will consent to have our diseases mistaken, and our accidents mismanaged, rather than consent to have the dead dissected. But the unaccountable part of the case is now to be stated. As our laws prohibit the study of anatomy, (it would be a quibble to say that they do not, whilst they prohibit that which is necessary for it,) the least that could be expected is, that the unskilfulness of medical men, the inevitable effect of this prohibition, should pass unpunished. But what is the fact? If an ignorant and awkward surgeon (ignorant and awkward, not from his own fault, but because the laws forbid him to know better) happens to maltreat the limbs and bodies of his Majesty's subjects, he is liable to be prosecuted; and as the jury sympathize not with the surgeon but with the patient, they generally give heavy damages. Every year produces some flagrant and infamous examples of this tyranny. Thus our laws prohibit a man from studying anatomy, and punish him for being ignorant of it.

For a state of things so injurious to the public, and so unjust to medical men, there is only one effectual remedy. Dissection is no evil to the dead, for the body is insensible to the knife; and the soul, even if conscious of what is going on in this nether world, must look on the process at least with indifference—we can hardly

* 'The attention he had paid to morbid anatomy' (says Dr. Macmichael) 'enabled him to make a nice discrimination in symptoms, and to distinguish between disorders which resemble each other. This gave him a confidence in propounding his opinions which our conjectural art does not readily admit. The quickness with which a physician of keen perception and great practice makes up his mind differs as widely as possible from the inconsiderate haste which marks the decisions of the rash and uninformed.' —*Gold-Headed Cane*, p. 262.

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doubt with approbation. It is an evil only to the surviving friends, whose affections still cling to the remains of the departed object of their love, and whose feelings are wounded by any violence offered to them. If, therefore, we could procure bodies with no friends to feel pain at their dissection, to what better purpose could they be turned than that of yielding a kind of knowledge procurable by no other means, and essentially necessary to the relief and cure of diseases? Such a supply is to be found only in the unclaimed bodies of large cities. 'The wisdom of funeral laws,' says Sir Thomas Browne, 'reduced undoing fires into the rule of sober obsequies, wherein few could be so mean as not to provide wood, pitch, a mourner, and an urn.' Yet this small proportion amounts to a large number in the crowded population of an immense metropolis. In hospitals, prisons, and poor-houses, persons are continually dying leaving behind them no friends to claim the body, to feel comfort at its being buried, or pain at its being dissected.

'It appears from the returns obtained by the committee in 1827 from the parishes situate in London, Westminster, and Southwark, or their immediate vicinity, that out of 3744 persons who died in the workhouses of these parishes in the year 1827, 3103 *were buried at the parish expense; and that of these, about* 1108 *were not attended to their graves by any relations.*'—*Report of Select Com. of Anatomy*, 1828.

Besides these, there are the unclaimed bodies from hospitals, prisons, and elsewhere. If all these were given up to the anatomical schools, they would afford an ample, regular, and cheap supply. This plan, which has been long pursued at Paris, has made that city the greatest school of anatomy in the world; and the most eminent surgeons in London, who are, or have been, employed in teaching anatomy, and who are the only competent judges of the evil and its remedy, agree in recommending this plan to be adopted and legalized in England. It was recommended to parliament by the select committee on anatomy, formed the principal object of Mr. Warburton's bill, and was thus sanctioned by the high authority of Mr. Abernethy, when examined before the committee:—'I have this feeling,' said he, 'that so strong is the necessity—that so correspondent with the principles of justice is it, that those who have been sustained in illness and infirmity at the public charge, and who consequently die in debt to the public, should have their bodies converted to the public good—that I myself should not hesitate, if I were a member of the Honourable House, to move for leave to bring in a bill to legalize such a proceeding.'

There is only one objection to this plan which deserves a serious thought. It has been said, that the apprehension of being dissected

dissected might have an injurious influence on those who are conscious, that, if they die, they have no friends to protect their remains. We will not deny the force of this objection; but there is a conclusive answer to it, and an effectual remedy for it. *Let every person have the power of forbidding the dissection of his body, by leaving a written expression of his wishes to the contrary, and let this be compulsory on those who have the custody of it.* This would effectually prevent the apprehended evil; but effectual as it would be, we prophesy that it would not be employed by one out of twenty of the sick inhabitants of hospitals, prisons, and poor-houses. They expect to recover, not to die: they think too little of death and its probabilities; and those who would resort to this means of protecting themselves are those who are least likely to die—the hypochondriacs, and sufferers from nervous diseases—a class of inmates far more subject to the fear of death than to its reality. If, however, all those who had no friends to protect their bodies should protect themselves by this means, it would render unclaimed bodies unavailable—but anatomy would be no worse off than it is.

Another objection to the use of unclaimed bodies is, that it is unworthy of a free nation, whose laws are made equally for high and low, that the poor and friendless should be dissected, while those who leave kindred and property are consigned to a quiet grave. This view of the subject may produce some effect on the mind, but it will not bear examination. It is a sentimental sophism—an extension of that compassion which is properly directed to the living and sentient man to his lifeless and insensible remains—his skin, muscles, blood-vessels, and bones. The instant the dead body is considered, as it ought to be, as a mere assemblage of insensible fibres, the sophism must vanish, together with its influence. The poor and friendless man is not more poor and friendless in the grave than he who, during life, was surrounded by relatives, 'clothed in purple and fine linen, and fared sumptuously every day.' Death levels all distinctions: the dead pauper and the dead prince are on a par—a poor and friendless corpse is as much a figure of speech as a wealthy and befriended one. Besides, the dead may be divided into two classes: those who have relatives, and those who have none. If the former are not to be dissected because they have friends, and the latter because they have none, it is clear that nobody will be dissected at all, and anatomy will become an extinct science. What a strange people we are! We shrink at the thought of consigning the poor and friendless dead to the knife of the anatomist, yet think nothing of sending out young surgeons, whose education we have done all in our power to spoil, to bind

bind up the bleeding wounds, and amputate the shattered limbs, of our brave defenders.

It has been said that this is a subject on which it is best not to legislate,—one which will not bear public discussion,—and that it would be better to leave people to gain their knowledge of anatomy by stealth, and in the dark. In this opinion there may be some worldly sagacity; but if it is seriously and permanently to influence our legislators, and nothing is to be done for our students,—if they are to be left to keep up the breed of resurrection-men, and rifle graves,—or to neglect dissection, and become ignorant anatomists and awkward surgeons,—we beseech our rulers, in the name of common sense and justice, to abolish the penal laws now in force against medical men. Either cease to punish them for disturbing the dead, or cease to punish them for maltreating the living. If you dislocate a joint, and cannot get it set, or break a limb, and find on your recovery that you have a shortened thigh, or a bandy leg,—if your bladder bursts because your surgeon cannot pass the catheter, or your strangulated hernia mortifies because he cannot release it by an operation,—do not complain; it is not *his* fault, but *yours*;—at any rate, do not prosecute him: the law which prohibits him from studying anatomy ought not to punish him for the consequences of being ignorant of it.

What occasioned the Lords to reject Mr. Warburton's bill, after it had passed the House of Commons, we have not heard, and could not understand from the debate. It had several faults. The University of Edinburgh protested against it on the ground that it would give the London Medical Schools such an advantage over those of Scotland, where the number of unclaimed bodies is very small, (in Edinburgh not a hundred in the course of a year,) that they would be deserted by students, unless a clause was introduced, permitting the transfer of bodies from one part of the empire to another,—from London, for example, where unclaimed bodies are numerous—and Dublin, where they are still more so—to Edinburgh and Glasgow, where there is a great scarcity. This is very reasonable, and ought to be attended to by the framers of any future bill. But the great objection to Mr. Warburton's was this: it compelled anatomists to bury the body which they had dissected, under a penalty of fifty pounds. This clause was absurd and injurious. Do Mr Warburton, and the Anatomical Committee who framed the bill, and the House of Commons who praised and passed it,—do they know what dissection is? The mere examination of a body to discover the cause of death consists in opening, and then closing it, leaving it so free from disfigurement, that the most heart-stricken mother, if

if she knew what it was, would not object to an inquiry so useful to humanity. But what a different process is dissection! Dissectors are as thorough workmen as putrefaction and the worms. To trace the fragments of a dissected body would be something like tracing the atoms of a buried one:—

'To what base uses we may return, Horatio!'

Those who believe in the resurrection, at the day of judgment, of the identical body, which died perhaps centuries before, have been puzzled to explain how the different atoms of which it was composed, which time has converted into worms and mould, and these again into other things, should be collected and cemented into that body which the last trump is to awake. But it would be almost as difficult to collect the fragments of a dissected body for burial; the utmost care could not prevent parts of different bodies being buried as one person; and a list of the fragments jumbled into one coffin would be as curious as the composition of the witches' cauldron in Macbeth.

'Liver of blaspheming Jew; . . . .
Nose of Turk, and Tartar's lips;
Finger of birth-strangled babe,
Ditch-deliver'd by a drab.'

If Mr. Warburton mean only that the fragments which remain after the anatomist has done all he wishes to do with the body, should be collected and buried, there could be no objection to that; but as the clause now stands, the anatomist is exposed to a penalty of fifty pounds, unless the whole or principal part of the body is buried. Such a provision would effectually prohibit the making of preparations, that is, preserved specimens of dissected parts, one of the most important methods of anatomical instruction; and if it had been in force in times past, no anatomical museums could have been formed such as those of the Hunters, at Glasgow, and at the College of Surgeons, which are to anatomists what the Louvre is to painters. In dissection, several students are employed on one body; and those who are industrious and provident preserve the part which they have dissected, to refresh their memory in after-life, when opportunities of dissection are no longer accessible. Every surgeon should have a skeleton, that is, the whole bony structure of one body; a blood-vessel subject, which requires the bones, blood-vessels, and muscles of another; and lastly, considerable parts, as an upper or lower limb, injected and dissected with unusual minuteness. As it is calculated that each student must dissect three bodies, it is therefore clear, that the greater part of these bodies must be preserved unburied. These preserved specimens, injected with coloured wax, to show the course

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of the blood-vessels, dissected with the greatest care and neatness, and varnished so as to preserve them drier and sweeter than a mummy, are of incalculable value to the young surgeon when he is settled in practice, is required to perform a new or difficult operation, and is at a distance from any hand more skilful than his own. We well remember a young friend being required to perform the operation for strangulated hernia, for the first time in his life. This is a piece of hazardous navigation to the surgeon; his knife is so liable to strike, not on rocks, but on blood-vessels. Our acquaintance had never performed it before, but he had seen it performed, possessed an accurate description of the operation, and, above all, he had a preserved specimen of the course of the blood-vessels in the groin, which he had injected, dissected, and varnished, and which he preserved with some little feeling of vanity, as a record of his skill, and an aid to his memory; it was to him on this anxious occasion what the compass is to a mariner on a dark night. He was called to his patient late in the evening; and whilst waiting the result of the milder means of relief, as tobacco injections, warm baths, ice applied to the tumour, and gentle pressure, he sat up all night reading the description of the operation, and examining again and again the ligament which he had to cut, and the blood-vessels he had to avoid. At day-break, the hernia continuing strangulated, he called up two of his surgical friends, and with an anxious heart, but a calm mind and steady hand, he performed the operation; it was successful, and the patient recovered. If anatomists had been compelled to bury the body after dissection, our young friend would have been without a guide; the limb which he had preserved with so much care would, it is true, have been buried with funeral rites, but the same rites would have been read forthwith over the body of this patient.

When Mr Abernethy delivered his Hunterian Oration at the College of Surgeons, he noticed an objection which is sometimes uttered by most respectable individuals, that the deaths of dissected persons would be unhallowed by any religious ceremony. It would have been a difficult topic in any other hands than those of this great lecturer, but he answered the scruple by remarking, that the burial service might be read over them *before* dissection, substituting for the passage—'we therefore commit his body to the ground,' some expression appropriate to its peculiar destination (as is the custom on the continent) signifying—that a knowledge of the internal form of the human body is necessary for the cure of diseases, and useful for religious instruction, as disclosing the most wonderful examples of divine wisdom and power;—that as this knowledge can be gained only by dissection—and as, in the present case, dissection can give pain neither to the body, for it is senseless,

nor

nor to relations, for there are none to grieve over it; for these reasons, that is consigned to the inquiries of the learned, which would otherwise have been the food of worms.*

If religious rites were read over the body about to be dissected, and the bodies of murderers, instead of being dissected, were treated like those of suicides, it would tend more than any thing to break that unfortunate association which has been produced by condemning the bodies of murderers only to be anatomised. It is the unanimous opinion of medical men, that nothing contributes so much to keep up the popular antipathy to dissection as this last practice, and that nothing would assist so much to remove this antipathy as the abolition of it. Several of those who have spoken in parliament on the subject have, however, declared that they will never consent to its abolition. We are sorry for this; but though our legislators have the power, of course, of maintaining this law, we apprehend they have no power to compel medical men to execute it, and we venture to suggest to all those who value their characters as gentlemen, and members of a scientific and honourable professsion, that it rests with themselves to decline a task which requires them to become *post mortem* executioners, and actually places them on a level with the hangman. Let Jack Ketch finish the business which he has begun, and take to himself the office of anatomical executioner.

We have aimed at convincing our legislators that it is of vital importance to the nation that the study of anatomy should not only be tolerated, but encouraged; and that there is only one remedy for the existing evil—the use of unclaimed bodies. As to the particular provisions of the future bill, (for surely a bill there must be,) we have said nothing: but we cannot look at parts of Mr. Warburton's—without being reminded what an useful addition to the House of Commons would be two or three eminent physicians and surgeons, possessed of knowledge, clear heads, and sufficiently accustomed to speak, to stand up in their place,

* 'A person dying (in a Paris hospital) is attended by the pastor or priest; after death, certain religious ceremonies are performed by the priest connected with the hospital; and after that the body remains, until the expiration of twenty-four hours, in the hospital. There is a dead room, into which they are removed from the chapel or altar. At the expiration of twenty-four hours, if the friends do not claim the body, it is then enveloped in clothing, and conveyed in a covered cart to one or other of the great dissecting establishments. The rule is, that the covered cart only pass at night; but occasionally the bodies were brought during the day-time.'—(*Mr. J. R. Bennett's Evidence.*)

'At Parma and Bologna there is a deposit in which all the poor people who die are put before they are carried out to the burial field. There is in every parish church in Italy a chamber in which all the dead bodies of the poor people are deposited during the day-time, after the religious ceremonies have been performed over them in the church; and in the night they are removed to the dissecting-room, or the burial fields, out of the town.'—(*Dr. Gaetano Negri's Evidence.*)

and

and correct at once those egregious errors which are at present so sure to be uttered by members whenever medical subjects are introduced, without the House having the smallest suspicion of their absurdity: and which would then be strangled in their first form of speech or remark, and not live to crawl into the provisions of a bill, where they are often mischievous enough to counteract the good it might otherwise have done.* In the mean time, to the framers

* In the reign of Queen Anne, Dr. Radcliffe and Dr. Freind (two very opposite persons in intellectual character) were members of the House of Commons; and how they conducted themselves there, may be seen in some of the most amusing pages of 'The Gold-headed Cane.' We must extend our note to take in the following passage of the chapter on Dr. Mead. The reader will perceive that the cane *loquitur*:—

'About this time Dr. Freind had been elected member of parliament for Launceston in Cornwall, and acting in his station as a senator with that warmth and freedom which was natural to him, he distinguished himself by some able speeches against measures which he disapproved. He was supposed to have had a hand in Atterbury's plot, as it was then called, for the restoration of the Stuart family; and having been also one of the speakers in favour of the Bishop, this drew upon him so much resentment that (the Habeas Corpus Act being at that time suspended) he was, on March 15, 1722-23, committed to the Tower. Here he lay a prisoner for some months, and my master did all he could to procure his liberation: during his confinement his practice fell chiefly into the hands of Mead. As soon as permission could be obtained, which was not till he had been some time in prison, we paid a visit to Freind, and entered that building whose low and sombre walls and bastions have frowned on many an innocent and many a guilty head.

'When his room door opened, we found him in the act of finishing a Latin letter to my master, "On certain kinds of the Small-pox;" and, as he perceived our approach, he came forward with an expression of great delight in his countenance. "I was writing a letter to you, with the permission of the governor of the Tower; and you are indebted," he added in a low whisper, "to my companion (looking at the warder, who was in the same chamber with his prisoner) for its brevity: for I don't find that his presence assists me much in composition." During our interview, Freind told Mead that he passed his time not unpleasantly, for that he had begun to write the History of Physic, from the time of Galen to the commencement of the sixteenth century; but that at present he felt the necessity of consulting more books than the circumstances in which he was now placed would give him an opportunity of perusing—"Though I ought not to repine," said he, "while I have this book (pointing to a Greek Testament, which was lying on the table), the daily and diligent perusal of which solaces my confinement. I have lately been reading the Gospel of St. Luke, and I need not point out to a scholar like yourself, and one who has paid so much attention to what I may call the medical history of the Bible, how much nearer the language of St. Luke, who was by profession a physician, comes to the ancient standard of classical Greek than that of the other Evangelists. To be sure it has a mixture of the Syriac phrase, which may be easily allowed in one who was born a Syrian; yet the reading the Greek authors, while he studied medicine, made his language without dispute more exact. His style is sometimes even very flowing and florid—as when, in the Acts of the Apostles, he describes the voyage of St. Paul; and when he has occasion to speak of distempers or the cure of them, you must have observed that he makes use of words more proper for the subject than the others do. It is besides remarkable that St. Luke is more particular in reciting all the miracles of our Saviour in relation to *healing* than the other Evangelists are; and that he gives us one history which is omitted by the rest, viz. that of raising the widow's son at Nain."

'My master left the prisoner, with an assurance that he would use all the influence he possessed to procure his liberty: "For," said he, smiling, "however much your cultivated mind is enabled to amuse itself by reading and writing, I presume you will have no sort of objection to resign your newly-acquired office of *Medicus Regius ad Turrim*." Very shortly afterwards, the opportunity of effecting this did actually occur; for

framers of the bill, aided by competent advisers, we leave the details of its provisions, begging them to carry this at least in their minds—that there are only three plans from which to select: one, to prohibit the study of anatomy altogether, and cause surgery to relapse into the infancy of the art; another, to support the breed of resurrection-men, plunder graves, and, after all, supply the nation with half-informed anatomists and unskilful surgeons; the last is, to give up unclaimed bodies to the schools of anatomy, by which resurrection-men would be abolished, the buried lie quietly in their graves, and the nation be supplied with an ample stock of expert anatomists and dexterous surgeons. The legislature and the nation must take their choice; and, should they unfortunately select one of the two former, they cannot in reason complain of, and ought not in justice to punish, that professional ignorance which is the inevitable consequence of either of those measures.

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for when Sir Robert Walpole, the minister of the day, sent to consult Mead on account of an indisposition, he availed himself of the occasion to plead the cause of the captive. He urged, that though the warmth and freedom of Freind might have betrayed him into some intemperate observations, yet no one could doubt his patriotic feelings and loyalty; that his public services had been great, for he had attended the Earl of Peterborough in his Spanish expedition as an army physician; and had also accompanied, in the same capacity, the Duke of Ormond into Flanders; that he deserved well of science, for he had done much to call the attention of the world to the new and sound principles of the Newtonian philosophy; and was besides a man of excellent parts, a thorough scholar, and one whom all acknowledged to be very able in his profession: and, finally, the Doctor refused to prescribe for the Minister unless the prisoner was set at liberty. He was almost immediately relieved from prison, and admitted to bail; his sureties being Dr. Mead, Dr. Hulse, Dr. Levet, and Dr. Hale. The evening after this event, there was a numerous assembly at our house in Great Ormond Street, attracted by the hope of meeting Freind, and congratulating him on his liberation from the Tower. He came, and every one was delighted to see him once more at large..... When the party broke up, Dr. Mead begged Freind to step with him for a moment into his own private study, which was a small room adjoining the library. There he presented him with the sum of five thousand guineas, which he had received from Freind's patients, whom he had visited during his imprisonment."

The *Gold-Headed Cane*, from which we have been quoting, is a modest little volume, containing sketches of the lives and manners of our most eminent physicians, from Radcliffe to Baillie, and composed in a style lively, graceful, often humorous; well calculated to attract the unprofessional reader. We wish it were generally circulated at this time, on account, especially, of the numberless instances, accumulated in its pages, of the absolute necessity of a thorough anatomical education, even for those medical men who have nothing to do with the practice of surgery.

ART. II.—1. *Travels in Arabia, comprehending an Account of those Territories in Hedjaz which the Mohammedans regard as sacred.* By the late John Lewis Burckhardt. Published by Authority of the Association for Promoting the Discovery of the Interior of Africa. 2 vols. 8vo. London. 1829.

2. *Mahomedanism Unveiled; an Inquiry, in which that Arch-Heresy, its Diffusion and Continuance, are examined on a new principle, tending to confirm the Evidences, and aid the Propagation, of the Christian Faith.* By the Rev. Charles Forster, B.D., Chancellor of Ardfert, &c. &c. 2 vols. 8vo. London. 1829.

IT is remarkable enough, that the greater portion of a country which has been uninterruptedly inhabited by the descendants of the earliest people of whom history has preserved any record, should be as little known at this day as the most inaccessible regions of the old world, and, perhaps, less than any part of the new. We say the earliest people, for we can see no reason to doubt that the pedigree of the Bedouin is just as well established as that of the Jew. Gibbon, in defiance of all history, sacred and profane, affects to deny this, and, in his usual fashion, informs us, 'that, in the story of the Hebrew patriarchs, the Arabs were pleased to *discover* the fathers of their nation'—that they 'imbibed with equal credulity the prodigies of the holy text, and the dreams and traditions of the Jewish Rabbis.' It was no *new* discovery, as he would insinuate; through every part of '*the book*,' at which he sneers,—in Josephus and other ancient writers—he might have traced, had it suited his purpose, the unbroken stream of the history of the Ishmaelites. However widely the Jews and Arabs may now differ, they still address the God of their common Patriarch in sister dialects; they both, for many ages, dwelt in tents, and pursued the same roving life in search of pasture and springs for their cattle; but the seed of Isaac, after passing through every stage of civilization, and exhibiting, in the variety of their national fortunes, immortal examples of all that can dignify, and of all that can darken, the character of our species, have long since, in visible fulfilment of a series of prophecies, been scattered over the face of the whole earth, as pedlars and traffickers; while the descendants of Ishmael have maintained their original position, and, by their unchanged mode of life, fulfilled no less distinctly the word of the angel of the Lord to Hagar, concerning her son—'He will be a wild man; his hand will be against every man, and every man's hand against him.' The reader will find the subject of the Ishmaelitish descent of the

the Arabians treated in a clear and convincing manner, by Mr. Forster, in his learned and valuable work, ' Mahomedanism Unveiled.'

One reason, perhaps, for the very scanty knowledge we possess of Arabia, is the conviction that very little is to be found there worth knowing, and that little to be gained only at the certainty of great suffering, and the risk of life. Syria, Palestine, and the ancient Chaldea, have been frequently traversed in all directions by travellers, as well as overrun by conquerors; but the interior of Arabia is still just such a blank on our maps as the interior of Africa; if, indeed, it be not rather the less known of the two. From Mekka to Bussora, in a north-east direction, and from Mekka to Oman, south-east, the desert is continuous—scarcely interrupted, as the pilgrims state, by any of those wadys or vallies which exist on the great desert of Africa, and which afford a little herbage and water for the cattle of the caravans. The most considerable part of the population is distributed over the narrow strip of land, interjacent between a long mountainous ridge and the eastern shore of the Red Sea, and divided into the two provinces of the Hedjaz and Yemen; the former of which contains the two holy cities of Mekka and Medina; the latter is usually called by Europeans, Arabia Felix. The total population of the Hedjaz, including the Bedouins of the mountains, does not exceed, according to Burckhardt's estimate, two hundred and fifty thousand souls, and that of Yemen may perhaps amount to about as many. On the other side of the Arabian peninsula, along the shore of the Persian gulf, Oman, containing the city of Muscat, Lahsa with a town of the same name, opposite which is the island of Bahrein, and Bussora at the head of the gulf, are the only other parts that can boast of a condensed population, living in towns and stone houses. Over the interior and desert portions are scattered the various tribes of Bedouin Arabs, dwelling in tents, and moving about in quest of food and water for their horses, sheep, and camels. From Mekka, running due east across Arabia to Lahsa, is a ridge of mountainous country, traversed occasionally by commercial Arabs of the two places, and represented to be exceedingly productive in dates, figs, pomegranates, grapes, and various other fruits.

Among these mountainous districts, it is hardly to be doubted that the purest specimens of aboriginal manners are to be found; and there are various circumstances mentioned by Mr. Burckhardt, which induce us to think it possible that some of these tribes ought not to be considered as entitled to partake in the claim to Abrahamitish descent. We may, in particular, allude

to one most singular custom, militating so strongly against all that we have ever read of Arab jealousy, and nice sensibility of female honour, that the people of whom it is related must, we cannot but think, have separated in very ancient times from, if it ever at all belonged to, the Bedouin family. Nothing but our reliance on Burckhardt's judgment and strict veracity could induce us to transcribe what follows.

'The El Merekede, a branch of the great Asyr tribe, indulged in an ancient custom of their forefathers, by assigning to the stranger who alighted at their tents or houses, some female of the family to be his companion during the night, most commonly the host's own wife; but to this barbarous system of hospitality young virgins were never sacrificed. If the stranger rendered himself agreeable to his fair partner, he was treated next morning with the utmost attention by his host, and furnished, on parting, with provisions sufficient for the remainder of his journey: but if, unfortunately, he did not please the lady, his cloak was found next day to want a piece, cut off by her as a signal of contempt. This circumstance being known, the unlucky traveller was driven away with disgrace by all the women and children of the village or encampment. It was not without much difficulty that the Wahabees forced them to renounce this custom; and as there was a scarcity of rain for two years after, the Merekedes regarded this misfortune as a punishment for having abandoned the laudable rites of hospitality, practised during so many centuries by their ancestors.'—*Burckhardt*, vol. ii., p. 378.

The nature of the interior, and the fierce manners of the inhabitants, were at all times a sufficient barrier to ward off external invasion, and prevent either Greeks, Persians, Romans, or Turks, —and all have made the trial,—from effecting the entire conquest of Arabia. The ancient writers have, therefore, left us little concerning it; and, in addition to the ferocious character of the wandering Arabs, the more modern fanaticism and intolerance of the religion of Islam have prevented Christian travellers from exploring even the more civilized and commercial parts of this country; the extent of which may be reckoned about some twelve hundred geographical miles in latitude, by eight hundred and fifty in longitude, or as large as France, Spain, and Portugal, together with the British islands. The holy cities of Mekka and Medina, near as they are to the commercial towns of Djidda and Yembo, on the Red Sea, are so strictly prohibited to all but Mussulmans, as to have rarely been visited by Christians, and by these only in the disguise of true believers. No Englishman, that we know of, except one, more than a hundred years ago, ever set foot in either of the holy cities. Gibbon would seem not to have been acquainted with Joseph Pitts's accurate account of Mekka,

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or he would not have said—'our notions of Mekka must be drawn from the Arabians. As no unbeliever is permitted to enter the city, our travellers are silent, and the short hints of Thevenot are taken from the suspicious mouth of an African renegado.'

The first Christian traveller who, in modern times, made any progress in Arabia, was Ludovico Barthema, a gentleman of Bologna, who, about the year 1503, set out on his travels to investigate 'quelche particella di questo nostro terreno globo,' and to examine 'con la propria persona e con gli occhi medesimi,' places and people, plants and animals. His travels through Egypt, Syria, Arabia, Persia, and India, are curious and amusing. At Damascus, he insinuated himself into the good graces of a Mameluke captain, about to escort a caravan of pilgrims to Mekka. It consisted of about thirty-five thousand persons, and forty thousand camels, guarded by sixty Mamelukes, for one of whose body Barthema passed. At Medina, he paid his devotions at the tomb of Mahomed. He describes Mekka as situated in a country cursed by God, producing neither tree nor herb, nor fruit, nor even water fit to drink; but the great temple, with its colonnades, and its thousands of lamps, excites his wonder and admiration. He ridicules the devotions of the pilgrims, which, however, he was obliged to imitate; and at the conclusion of the *hadj*, or pilgrimage, he concealed himself in the house of an acquaintance, until he found means to escape to Djidda, where he took shipping for Aden. Here he details with great good humour an adventure which threw him into prison, with an account of his assuming the character of an idiot, of the sultana falling in love with him, and of his escape to Ormuz, whence he proceeded through Persia to India. Barthema, by the way, a man of sound understanding, and apparently worthy of all credit, describes very minutely two unicorns which he saw at Mekka, sent as a present from the king of Ethiopia to the sultan of Mekka, and pledges his faith to the world that what he saw he has described with a strict regard to truth.

Our next traveller in Arabia is Joseph Pitts of Exeter, the Englishman we have alluded to. This youth, at the age of fourteen or fifteen, desirous of seeing foreign countries, shipped himself as a sailor, contrary, he says, to the wishes of his mother, in the year 1678. The ship was captured by a Moorish pirate, and carried into Algiers, where he and the rest of the crew were sold into slavery, in which condition he remained fifteen years, having, in the course of that time, served three masters. The first was a monster of cruelty, beating and tormenting him for the sole pleasure, it would

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seem, of punishing a Christian dog. Sometimes he would hang him up by the heels, and beat him on the soles of the feet till the blood ran out, and then plunge them into hot brine. We have read of the Dutch boors of the Cape of Good Hope flogging their slaves or hottentots by pipes—Pitts experienced something like it at Algiers. 'My executioner,' says he, 'would fill his pipe, and then give me ten or twenty blows; then stop and smoke his pipe for a while, and then he would at me again; and, when weary, stop again; and thus cruelly would he handle me until his pipe was out.' At length this Turkish brute sold him to another, who treated him pretty well, until a younger brother made proposals to him 'to turn Turk,' which Pitts rejected with disdain. He prevailed on his brother, however, to force him to yield, on the plea that, having been himself a great profligate, guilty of every vice, even to that of murder, his own salvation depended on his bringing over an infidel to the true faith. The resistance of poor Pitts subjected him to treatment of the most cruel description—in vain he pleaded the remorse he would feel in acting against his conscience—in vain the terror of being 'everlastingly damned'—he was hung up by the legs and beaten as before,—so that, at length, completely exhausted by ill treatment, his head forcibly shaven, and a Turkish dress put upon him, he was compelled to hold up his forefinger, and to repeat the fatal words—*La Allah ellallah Mohammed resul Allah*—'There is no God but God, and Mohammed is the prophet of God.'* In the midst of the deplorable state of melancholy and despondency, to which this compulsory act had reduced Pitts, he received a letter from his father, entreating him not to fall from his faith, the perusal of which caused him to weep bitterly. Soon after this, his master having his head taken off for engaging in a conspiracy against the Dey, his mistress sold him to a Turkish gentleman, an old bachelor, who took a great liking to him, carried him with him on his pilgrimage to Mekka, and, on their return, gave him his liberty. He now entered as a soldier, was put on board the Algerine fleet, and went to Smyrna, where, by the assistance of the English consul, he effected his escape. Pitts's book is one of those which tell a straightforward

* The celebrated symbol of the Mussulman faith, لا اله الا الله 'There is no God but one God,' was the confession in use among the ancient Arabians, from whom it was borrowed by Mahomet. See Mill. § viii. In this formulary, the discrimination between the terms الله and اله is peculiarly observable: اله signifies merely *a God*, any Deity; الله invariably denotes the most High God, and Him alone. 'الله pro الاله, 'Ο Θεος, DEUS ILLE OPTIMUS MAXIMUS. *Fitque peculiari sua forma nomen proprium*, respondens יהוה IEHOVA.' Golius in voc.

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story in plain and simple language; and his account of Algiers, and of the ceremonies to be observed at the pilgrimage of Mekka, are surprizingly accurate.

In 1761, the King of Denmark sent Niebuhr,* with four other gentlemen, to explore the eastern countries, all of whom, except the first, died in the course of their travels. Sailing from Suez, they visited various places on the coast of Arabia,—Jidda, Loheia, Zebid, Mocha, and Sana; but found it impossible, when at Jidda, to attempt to proceed to Mekka; nor, indeed, did they visit any part of the interior. Niebuhr's account of the places they stopped at is written in a plain, unaffected style, and contains a correct though very general view of the several subjects which engaged their attention. His description of the coffee plantations of Yemen, on the declivity of the basaltic mountains, whose sides are cut into terraces that are supported by stone walls, accords exactly with those terraced vineyards which most of us may have seen in the Rheingau. The vale of Zebid, with its river and well-cultivated plain through which it meanders, inclosed by rocky and romantic hills, appears to be a spot that would be admired in the best parts of Europe; but it is a solitary example, and seems to have no parallel, even in Arabia Felix.

The next to be mentioned is Dr. Seetzen, who having spent some years in travelling over every part of Syria and Palestine, and conversed much with the Arabs of these countries, found himself in a condition to undertake a pilgrimage to Mekka under the assumed character of a Mohammedan. At Suez, he fell in with a party of pilgrims about to embark for Djidda, where, on his arrival, he placed himself under the protection of a Moorish merchant, and proceeded, without interruption, to the Holy City. Here he hired a guide to conduct him to the sacred mosque, and instruct him in the necessary ceremonies. The crowds that he observed rushing to the kaaba, in the centre of the temple, to kiss the 'black stone,' were quite astonishing; and created in his mind no little apprehension, lest some of them should be trampled under foot and suffocated. From Mekka he proceeded towards Medina; but that city being in possession of the Wahabees, who permitted pilgrimages only to Mekka, he was stopped on the way, but the governor, finding him to be a Christian Frank, allowed him to depart. Having reached Djidda, he proceeded to Yemen unmolested, and paid a visit to the city of Sana, which, with its high houses of stone, exhibited an appearance superior to most cities which he had seen in Syria, Palestine, or Arabia.

The traveller who, next in succession, visited Arabia and suc-

* There is a very interesting life of Niebuhr, by his son, the writer on Roman history.

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ceeded in reaching Mekka, was a Spaniard of the name of Badhia, but who assumed the fictitious name of Ali Bey el Abassy: of the account of this person's travels, as to its general accuracy, Burckhardt speaks favourably, though he observes, that 'he made a strange mistake with respect to the host of Wahabees, whom he saw entering Mekka at the time of the pilgrimage; for he fancied that they came to take possession of the town, and flattered himself that he was present at the first conquest of Mekka by the Wahabees, while every child in the place would have informed him that this event happened three years before his arrival in the Hedjaz.' He describes, in similar terms with Seetzen, the tumultuous rushing of five or six thousand of these militant pilgrims striving to kiss the black stone, and then crowding to the well of Zemzem, and destroying the ropes, buckets, and other appendages, in their eagerness to drink the holy water. From Mekka, Badhia proceeded towards Medina, but was stopped on his way by a Wahaby chief, and obliged to return to the coast.

The last, and by far the most intelligent traveller, that has visited the two holy cities, is Mr. Burckhardt. The account we gave of his travels in Nubia, and of his high qualifications for collecting accurate information on all subjects connected with men and manners, will prepare the reader for expecting a more than ordinary degree of information in the present volume, and his expectations will not be disappointed. In the sketch of his life, by Colonel Leake, prefixed to the volume of 'Travels in Nubia,' it is said that

'Burckhardt transmitted to the Association (*African*) the most accurate and complete account of the Hedjaz, including the cities of Mekka and Medina, which has ever been received in Europe. His knowledge of the Arabic language, and of Mohammedan manners, had enabled him to assume the Mussulman character with such success, that he resided at Mekka during the whole time of the pilgrimage, and passed through the various ceremonies of the occasion, without the smallest suspicion having arisen as to his real character.'

The equanimity of this excellent man was put to a severe trial from the moment he set foot on shore at Djidda, the sea-port of Mekka, on the morning of the 15th July, 1814. From the person on whom he had a letter of credit, obtained in January, 1813, he met with a very cold reception; the letter was considered to be of too old a date to deserve notice; 'indeed,' says our traveller, 'my ragged appearance might have rendered any one cautious how he committed himself with his correspondents, in paying me a large sum of money on their account.' He took up his lodging within the bare walls of one of the khans, his whole stock of money having been

been reduced, in the course of his travels in Nubia, to two dollars and a few sequins. On the fourth day after his arrival he was attacked with a violent fever; was for several days delirious; and would in all probability have fallen under it, but for the aid of a Greek Captain, a fellow-passenger from Souakin, who procured a barber to bleed him copiously in one of his lucid intervals. In the course of a fortnight he was just able to crawl about, but his money was all spent, and every article of life, owing to the approaching pilgrimage, unusually dear. The Greek captain, though ready to afford him the common services of humanity, was not disposed to assist him with any money. Being wholly destitute, and seeing no other means of purchasing a morsel of bread, he was compelled, by direful necessity, to sell a faithful slave who had been the most useful companion of his preceding journey in Africa. The Greek captain sold the man in the market of Djidda for forty-eight dollars :—he had cost Burckhardt only sixteen at Shendy.

With this money Burckhardt equipped himself anew in the dress of a reduced Egyptian gentleman, and wrote to Cairo for a further supply, being determined to visit Mekka at the great pilgrimage in the following November. Should he even be disappointed in his expected supplies, and reduced to the necessity of earning a daily subsistence, during his stay in the Hedjaz, by manual labour, he was resolved to accomplish this object. It occurred to him, however, in the first instance, to try his fortune in a quarter where it was just possible he might be successful. Mahomed Ali, pasha of Egypt, was at this time at Tayf, beyond Mekka, with his army, preparing to attack the Wahabees in their strong holds. Burckhardt, having seen the pasha several times at Cairo, and had money dealings with him, thought that, without being guilty of too much effrontery, he might write to his physician, an Armenian of the name of Bosari, to ask him to accept a bill on his correspondent at Cairo, and order his treasurer at Djidda to pay to him the amount of it.

In the mean time Yakya Effendi, the physician of Tousoun Pasha, son of Mahomed Ali, and then governor of Djidda, having heard of Shiek Ibrahim (the name our traveller had assumed when in Upper Egypt) being at Djidda, he invited him to his house, received him with great politeness, and as he was then preparing for a journey to Medina with Tousoun Pasha, and wished to remit to his family at Cairo the amount of his last year's savings, being about one hundred pounds, he kindly offered Burckhardt this money for his bill on Cairo. This seasonable supply placed him quite at his ease, and fortunate that it was so, for Bosari, as it afterwards appeared, had not thought proper to make any application to Mahomed Ali. The old pasha, however, having learnt from another

another quarter that Burckhardt was in Djidda, walking about in rags, immediately despatched a messenger, with two dromedaries, to the collector of customs, with an order to furnish him with a suit of clothes, and a purse of five hundred piastres, as travelling money, signifying a wish that he should repair immediately, with the messenger, to Tayf. The invitation of a Turkish pasha being considered in the same light as an invitation from a branch of the royal family in England,—a polite command,—and knowing that the clothes and money thus generously offered could not be refused without hurting the pride and exciting the resentment of a chief, whose good graces it was most important to conciliate, our traveller set off that very evening for the head-quarters of Mahomed Ali.

There is nothing very interesting in our author's account of Djidda and its inhabitants. This place is surrounded by a wall and ditch on the land side, and a wall also extends along the sea-front, flanked by a castle mounting eight or ten guns, and a battery which commands the whole harbour. These, however, are less relied on by the inhabitants, as a protection on the sea side, than is an enormous piece of ordnance, celebrated all over the Red Sea, which Burckhardt says carries a ball of five hundred pounds! The houses of the best quarter, along the sea shore, are well built of stone, and mostly two stories high; the streets are unpaved, but spacious and airy. In the suburbs, and near the gates the dwellings are mere huts, formed of reeds, rushes, and brushwood, inhabited by Bedouins, poor labourers, and the lowest classes, public women, and sellers of the intoxicating beverage called *booza*. The water is execrable, and the wells are mostly private property. The surrounding country is a barren desert, presenting neither gardens nor vegetation of any kind, except a few date trees near one of the mosques. The number of inhabitants are estimated at fifteen thousand, mostly employed in commerce, and in supplying the numerous pilgrims from Egypt, the Barbary states, and other parts of Africa, from Syria, Persia, and India. The population, indeed, consists mostly of foreigners, —Indians, Persians, Syrians, Malays, Egyptians and other Africans; of real Arabs very few, and no Christians.

'The mixture of races in Djidda is an effect of the pilgrimage, during which rich merchants visit the Hedjaz with large adventures of goods; some of these not being able immediately to settle their accounts wait till another year; during this period, they cohabit, according to the custom of the country, with some Abyssinian slaves, whom they soon marry; finding themselves at last with a family, they are induced to settle in the country. Thus every pilgrimage adds fresh numbers to the population not only of Djidda, but of Mekka also,

also, which is indeed very necessary, as in both towns the number of deaths is far greater than that of births.'—vol. i. pp. 28, 29.

Djidda owes its chief commerce to its being the sea-port of Mekka, from which it is distant about fifty miles. The number of vessels belonging to it, and employed in the Red Sea and Indian trade, is estimated at two hundred and fifty sail. For four months preceding the Hadj, or pilgrimage, a caravan of camels sets out for Mekka every evening after sunset. At this time trade begins to be very active. Mr. Burckhardt has given the number of every kind of shops that occur in the principal street, —such as those where coffee is sold, butter which is melted and drunk like *ghee* in India, honey, oil from sesamum, fruits, mostly grapes and dates, brought from the interior, and also by sea. Then come the *kebab*, or roasted meat shops, the pancake shops, the sellers of soups, beans, sweetmeats, sour milk, Greek cheese, dried fruits, corn and rice, tobacco, drugs and perfumery, articles of Indian manufacture, coral and sandal-wood rosaries, cloth shops, money dealers; and, in short, there is nothing that is the growth, produce, or manufacture of any part of the world, that is not to be had at Djidda during the Hadj. A Turkish watch-maker sells watches of good English manufacture, which all the Mekka and Djidda merchants are fond of wearing. Their artisans are mostly from Egypt. Indeed, this last country and the East Indies supply them almost entirely with foreign commodities. The Syrian Arabs are an industrious race, and their home manufactures make them entirely independent of foreign supplies; but the Arabs of the Hedjaz appear to have only two occupations,—commerce and the feeding of cattle. The people of the Hedjaz are worse off with regard to servants than even those of the United States of America. No Arab, who has been born in either of the sacred cities, will act as a menial servant, unless compelled by absolute want of food; and the moment he is in good condition he ceases to labour, and either turns pedlar or beggar, the latter occupation being much encouraged by pilgrims, who are fond of displaying their charity on first touching holy ground at Djidda.

No reproach attaching to mendicity, nor even to robbery, the proud and high-spirited Bedouin of the desert is always ready to justify plunder; and if expediency should seem to recommend it, murder also. In the portrait of these unadulterated Arabs, all the lineaments in the features of their outlaw ancestor may still be traced: they conceive they have a right to recover by fraud, or force, any portion of the inheritance which they say was unjustly withheld from him by his father Abraham,—'who gave all that he had to Isaac.' With such notions, it is not surprising that their more civilized neighbours are the victims of their rapacity,

city, or that caravans are laid in wait for, and attacked for ransom or pillage, when not sufficiently guarded, and plundered by stratagem when they are. Even the far-famed hospitality of the Arab is more the result of a feeling of pride than of humanity, and the way-worn or bewildered stranger, if possessed of any valuable property, has often found, to his cost, that Arab hospitality, like the kiss of Judas, only served to betray, while it hailed him with the *Salam aleykum*. Burckhardt says, that even among the degenerate Bedouins, who have been corrupted by dwelling in the towns of Arabia, the character of pride never forsakes them; they are jealous of strangers,—nor do they dissemble their contempt for those who do not speak the Arabic language, and assume the Arabic dress and customs. The Turks are considered by them as a very inferior people, though, nominally at least, their rulers. The ceremony and the abject forms of servitude, with which a Turkish pasha is approached, but ill accord with the bold and unceremonious manner in which they were accustomed to address their own sherif.

'"Whenever the Sherif Ghaleb wanted a loan of money," observed one of the first merchants of the Hedjaz to me, "he sent for three or four of us; we sat in close discourse with him for a couple of hours, often quarrelling loudly, and we always reduced the sum to something much less than was at first demanded. When we went to him on ordinary business, we spoke to him as I now speak to you; but the pasha keeps us standing before him in an humble attitude, like so many Habesh (Abyssinian) slaves, and looks down upon us as if we were beings of an inferior creation. I would rather," he concluded, "pay a fine to the sherif than receive a favour from the pasha."'—vol. i. pp. 97, 98.

The road from Djidda to Tayf offers nothing worthy of notice. The old pasha sent for Burckhardt as soon as he heard of his arrival; but the latter hesitated about waiting on him, on being told by Bosari that Mahomed Ali, on learning his desire to visit the holy cities, had observed, in a jocular manner, to the cadi of Mekka, who was with him, 'it is not the beard alone which proves a man to be a true Moslem; but (addressing the cadi) you are a better judge in such matters than I am.' Burckhardt considered this an ill-natured and unfriendly remark, calculated to prejudice him in the eyes of the cadi, and to lead to a discovery of his being an infidel, which, on such holy ground, might be attended with very serious consequences to himself; he, therefore, desired Bosari to tell the pasha that he would not attend his audience unless he would receive him in the character of a Turk. The answer was,—Tell him he is welcome, whether Turk or not. He received him courteously, but not a word concerning the money. Burckhardt afterwards visited

visited the cadi, and found him with his secretary, a learned man of Constantinople, both of whom received him civilly, entered freely into conversation, and did not appear to have the least suspicion of his being any other than a real disciple of Mahomet. However, he had some reason to think that his friend Bosari had not played fairly with him; that he had impressed the pasha with an idea that he might have been sent as a spy to that country by the English government, to ascertain its present state, and that he was on his way to the East Indies. He was further confirmed in this opinion on perceiving that his actions were closely watched, and that he was seldom suffered to be alone. He determined, therefore, to set out for Mekka at once, where he arrived about the middle of the third day, having seen and conversed with the cadi on the road, who politely invited him to his house, an invitation which he did not accept, as he was desirous of being master of his own time, and allowed to make his observations without interruption.

At a certain distance from the Holy City, all pilgrims are required to strip themselves naked, throw away their garments, and put on the *ihram* or *ehram*, two pieces of linen or cotton cloth, generally white, one of them wrapped round the loins, the other thrown loosely over the neck and shoulders, while the head remains wholly uncovered. Burckhardt at once complied with this custom, which has occasioned the death of many; for when the pilgrimage happens in winter, the assumption of the *ihram* is extremely prejudicial to the most robust constitution,—more especially to that of the northern Mussulmans, who have been accustomed to thick woollen clothes; 'yet,' says Burckhardt, 'the religious zeal of some who visit the Hedjaz is so ardent, that if they arrive even several months previous to the Hadj, they vow, on taking the *ihram*, not to throw it off till after the completion of their pilgrimage to Arafat.' It is said, that Haroun al Raschid and his wife Zobeyda once performed the pilgrimage on foot from Bagdad to Mekka, clothed only with the *ihram;* but indulged in the luxury of walking on splendid carpets the whole way. From what we read of the character and exploits of our old acquaintance Haroun, in the 'Thousand and One Nights,' he was just the man to perform a freak of this kind.

The ancient Arabs, who reckoned time by lunar months,* and

* Hyde notices a circumstance 'peculiarly corroborative of the common origin of the Jews and Arabians. The computation of time is among the most general, and the most fixed, of national usages: in few respects have nations been less disposed to vary, or to borrow from each other. But in the kalendars, the Jews and the ante-Mahometan Arabs coincided; and the Arabic division of months is ascertained by the learned to have been *the only division of time* coincident with that of the Hebrew Scriptures.'—See *Hyde, De Religione Veterum Persarum*, p. 439.

intercalated

intercalated a month every three years, had the pilgrimage fixed to a certain season, for the Hadj is not a Mussulman invention; but when Mahomet ordained, that the same pilgrimage should be continued, in honour of the living God, which, for ages before him, had been, in forgetfulness of the original patriarchal faith of the race, performed in honour of senseless idols, he prescribed the ceremony to a particular lunar month; and as the modern Arabs do not intercalate, its periodical returns became irregular, and in thirty-three years shifted through all the months of the year, from the height of summer to the depth of winter.

On entering Mekka, the temple or mosque must immediately be visited, whether the stranger be pilgrim or not. With this custom Burckhardt, of course, complied; but, before entering on his description of the holy place, we must gratify our readers by an extract from Mr. Forster's learned and curious volume,—a work which, in as far as the past is concerned, appears to us unexceptionable, though, in some of its prospective views, we are not as yet quite prepared to coincide:—

'The high antiquity of the Caaba,' says Mr. Forster, 'is undisputed. The permanent character of its rites, is certified by our knowledge of the adherence of the Arabs, in every age, to their ancient customs. But, from the uniform consent of Mahometan writers, it further appears, that the statues of Abraham and Ishmael, which, from remote antiquity, had held a conspicuous place in the Caaba, and constituted the principal object of its idol-worship, remained to the time of Mahomet, and were there found by the Mussulmans, after the capture of Mecca. Mahomet, Abulfeda tells us, when he took Mecca, in the eighth year of the Hejira, found and destroyed in the Caaba, on his entering the temple, the image of Abraham, holding in his hand seven arrows without heads or feathers, such as the Arabs use in divination; and surrounded with a great number of angels and prophets, as inferior deities, among whom, as Al Janabi and other writers add, was Ishmael, with divining arrows also in his hand.

'This incidental mark of the Abrahamic derivation, both of the ancestry, and the primitive worship, of the ancient Arabs, receives valuable light and confirmation from the one grand principle which is ascertained, by a variety of evidence, to have lain at the root of that worship, even in its most debased and corrupted form. In proposing, for the adoption of the Arabs, his doctrine of the Divine Unity, Mahomet professed only to revive and recommend anew to his countrymen the faith which their fathers had held in its original purity, and which they themselves still retained, although clouded and concealed beneath the gross darkness of their idolatrous superstitions. The patriarchal doctrine of one supreme God, therefore, according to Mahomet, was, down to his time, still distinctly recognized in Arabia.* And, not to adduce

'* The very curious romance of Antar,' remarks Mr. Hallam, 'written, perhaps, before

adduce here any collateral testimonies to this fact, the appeals of the Koran to contemporary practices and usages, supply irrefragable proof that the fact was strictly so. The prayer used by the ancient Arabs when addressing the Allah Taâla, or "Most High God," has been preserved by Shahrestani; and usage is brought in evidence against their idolatry, by Mahomet in the Koran. "It is your Lord," exclaims the pretended prophet, "who driveth forward the ships for you in the sea, that ye may seek to enrich ourselves of his abundance by commerce. When a misfortune befalleth you at sea, the false deities whom ye invoke are forgotten by you, except Him alone: yet when He bringeth you safe to land, ye retire afar off from Him, and return to your idols." And again, "When they (the idolaters) sail in a ship, they call upon God, sincerely exhibiting unto Him the true religion: but when He bringeth them safe to land, behold, they return unto their idolatry."

'The Greeks and Romans, in their extremity, applied for succour to the deity appropriated to the specific case; thereby evincing that the prevalent belief had completely sunk to the level of their established mythology. But the Arabs, it appears, untutored and barbarous as they were in other respects, still preserved among them a practical sense of the existence, and the providence of the One Supreme Being. They wantoned, indeed, with their idols,* in times of security; but they instinctively betook themselves to "The Most High God" in the hour of peril. For a single proof, stronger internal evidence needs not be desired than this fact supplies, of the alleged derivation of the faith of the Arabs from their father Abraham.

'Various external signs, betokening its patriarchal origin, may be traced in the ante-Mahometan worship of the Caaba. Among these, one custom is sufficiently remarkable to claim distinct notice in this place, inasmuch as it has been alluded to, and censured, in the Koran. The pagan Arabs were used to compass the Caaba naked, because clothes, they said, were the signs of their disobedience to God. The celebrated black stone of the Caaba also, the primitive source and object of Arabian idolatry,† strongly indicates the origin to which it has been uniformly referred. The Arabs attribute its introduction into the temple of Mecca, to the immediate posterity of Ishmael. The peculiar kind of superstition is just what might be expected to arise from the abuse of an early patriarchal custom, that of setting up stones, on particular spots, in honour of the true God. While the

before the appearance of Mohammed, seems to render it probable, that however idolatry, as we are told by Sale, might prevail in some parts of Arabia, *yet the genuine religion of the descendants of Ishmael was a belief in the unity of God,* AS STRICT AS IS LAID DOWN IN THE KORAN ITSELF, and accompanied by the same antipathy, partly religious, partly national, towards the fire-worshippers, which Mohammed inculcated.'—*History of the Middle Ages* (new edition), vol. ii. p. 166.

'* The *apology* of the pagan Arabs for their idol-worship is preserved in the Koran: We worship them only that they may bring us nearer unto God.—Sale's *Koran*, chap. xxxix. ad init. conf. chap. xliii. ad init. Does this differ widely from the apology of the church of Rome?'

'† Ὁ δὲ ἔμψυχος λίθος—παλαιὸν ἱερὸν οἱ Ἰσμαηλῖται, Euthym. Zygaben. in Panopl.'

connexion

connexion is further made out, by the exact correspondence, in this particular, between the idolatry of the ancient Israelites, and that of the ante-Mahometan Arabians—their identity might be largely shown, from the Old Testament: but a passage from the prophecy of Isaiah will suffice. The prophet thus indignantly reproves the Jews for their idolatry:—"Among *the smooth stones* of the stream is thy portion: they, they are thy lot: even to them hast thou poured a drink-offering, thou hast offered a meat-offering."—*Forster*, vol. ii. p. 404.

To return to Mr. Burckhardt.—He describes the Beitullah, or House of God, at Mekka, to consist of an open oblong square, two hundred and fifty paces long by two hundred broad. Pitts says it is like the Royal Exchange of London, but nearly ten times bigger. 'It is a most beautiful temple,' says Barthema, 'in comparison with the Coliseum of Rome.' The open space in the centre is surrounded by a quadruple row of columns on one side, and a triple row on the other three sides, united by pointed or Gothic arches, every four of which support a dome, plastered white—the number of these domes amounting to one hundred and fifty-two. From the arches of these colonnades are suspended lamps, some of which are lighted every night, and the whole of them during the nights of Rhamadan. The columns are upwards of twenty feet high, and somewhat more than a foot and a half in diameter some are of a reddish-grey granite, some of red porphyry, and others of white marble. Their total number is from five to six hundred. No two capitals or bases are exactly alike; in some cases, by the ignorance of the workmen, the former have been placed upside down on the shafts. On several of them are Cufic inscriptions, but not of very ancient date. The arches and some parts of the walls are gaudily painted in stripes of yellow, red, and blue, as are also the minarets.

The Kaaba stands about the middle of the square. It is an oblong massive structure, built of large blocks of different-sized stones, joined rudely together, and with bad cement; is about eighteen paces in length, fourteen in breadth, and from thirty-five to forty feet in height. It was entirely rebuilt so recently as the year 1627, the old one having been destroyed by one of those torrents which sometimes inundate the whole valley in which Mekka is situated. It has but one door, on the north side, seven feet above the ground, wholly plated with silver, and embellished with gilt ornaments. Near this door, in the angle of the wall of the north-east corner of the kaaba, is the celebrated 'black stone,' of an oval shape, about seven inches in diameter, composed of about seven small stones of different sizes and shapes, well joined together with cement, and perfectly smooth; appearing as if the original stone had been broken into many pieces by a violent blow and then united again. It is said, indeed, that Hakem b' amr

b' amr Illah, the mad king of Egypt, with a view to transfer the divine honours of the stone to himself, engaged an Egyptian in the year 413 of the Hejira, to destroy it,—that the man struck it three times with a bar of iron; but was slain for the impious act by the dagger of a native of Yemen; and the infuriated populace pursued and plundered the Egyptian caravan. Mr. Burckhardt thought this stone to be a species of lava, probably a piece of basalt. A border of some kind of cement, rising a little above the surface of the stone, surrounds it, and both this and the stone are encircled by a silver band. The four sides of the kaaba are covered with a rich black silk stuff hanging down to the ground, sent yearly from Cairo, at the Grand Seignor's expense, at the time of the Hadj, when the old one is cut into small pieces, and sold to the pilgrims, for nearly as much money as the new one costs.* This curtain, or veil, called *Kesoua*, and considered as the *ihram* of the temple, is blazoned all over with the words 'There is no God but God,' &c., in gold letters of great size. The kaaba is surrounded by thirty-two slender gilt pillars, between every two of which are suspended seven lamps, always lighted after sunset. Our author, who, for a German, is singularly free from flights of enthusiasm, confesses that the effect of the whole scene, the mysterious drapery, the profusion of gold and silver, the blaze of lamps, and the kneeling multitudes, far surpassed anything his imagination could have pictured.

In one of the several small buildings near the kaaba, is the famous well of Zemzem, whose water cures all diseases, and supplies the whole town for drinking and ablution. It is said to be the only sweet water in the whole valley; but Pitts found it brackish, and says, the pilgrims drink it so unreasonably, that 'they are not only much purged, but their flesh breaks out all in pimples; and this they called the purging of their spiritual corruption.' They not only drink, but have buckets of water poured over them, and then, says Barthema, 'the fools think their sins are washed into the well.' One of the miracles of Mekka is, that the water of this well never diminishes, which is the less surprising, as it was first created by a miracle, to save the infant Ishmael, when dying of thirst in the wilderness. It is explained, however, by Burckhardt without a miracle, that the water flows through the bottom, being supplied by a subterraneous rivulet. The water,

* . . . . 'tum summi in culmine tecti
Obducunt nigros, solennia dona, tapetas.
Ipse olim quales, antiqua ex urbe Damasci
Misit Omar, quales, dum res et fata sinebant,
Pollentes opibus Pharii misère tyranni,
Inclyta progenies Fatimæ; nunc maximus ista
Jura habet Othmanides, solium magno omine firmans,
Et sanctum imperii pignus sibi vindicat uni.'
Iter ad Meccam, &c. G. Canning ex Æde Christi, 1789.

he says, is perfectly sweet, but heavy to the taste, slightly tepid, and sometimes, in its colour, resembles milk.

The prescribed ceremonies are first, to repeat certain prayers in different parts of the temple; then to begin the *towaf*, or walk round the kaaba seven times, kissing the black stone at each circuit; then to proceed to the well of Zemzem, and drink as much water as they wish or can get. The second ceremony which the pilgrim has to perform is, to proceed to the hill of Szafa, and there repeat certain prescribed prayers before he sets out on the holy walk, or *say*, which is along a level spot, about six hundred paces in length, terminating at a stone platform, called Meroua. This walk, which in certain places must be a run, is to be repeated seven times, the pilgrims reciting prayers uninterruptedly, with a loud voice, the whole time. The third ceremony is that of shaving the head, and walking to the Omra, about one hour and a half from Mekka, chanting pious ejaculations all the way. The two former ceremonies must, after this, be again repeated. The walk round the kaaba seven times may be repeated as oft as the pilgrim thinks fit, and the more frequent the more meritorious.

About seventy thousand persons assembled at Mekka, when Burckhardt made his pilgrimage, and submitted to the performance of these ceremonies. This is the least number which the Musselmans told Ali Bey there must necessarily be assembled at every pilgrimage, on Mount Arafat; and that in case any deficiency should occur, angels are sent down from heaven to complete the number. Pitts says precisely the same thing. When Ali Bey went through this part of the ceremony, he tells us, an assemblage of eighty thousand men, two thousand women, and one thousand little children, with sixty or seventy thousand camels, asses, and horses, marched through the narrow valley leading from Arafat, in a cloud of dust, carrying a forest of lances, guns, swivels, &c.; and yet no accident occurred that he knew of, except to himself,—he received, it seems, a couple of wounds in his leg. One would have thought that Burckhardt's seventy thousand was a prodigious number; yet he tells us, that two only of the five or six regular caravans made their appearance this year,—the Syrian and the Egyptian. About four thousand pilgrims from Turkey came by sea; and, perhaps, half as many from other distant quarters of the Mahommedan world. The Syrian was always considered to be the most numerous. It is stated, that when the mother of Motessem b' Illah, the last of the Abassides, performed the pilgrimage in the year of the Hejira 631, her caravan was composed of one hundred and twenty thousand camels—that in 1814 consisted of not more than four or five thousand persons, and fifteen thousand camels. Barthema states the Cairo caravan, when he was at Mekka

Mekka, to have amounted to sixty-four thousand camels;—in 1814, the same caravan consisted mostly of Mahomet Ali's troops, with very few pilgrims. But Burckhardt says that, in 1816, a single grandee of Cairo joined the Hadj, with one hundred and ten camels for the transport of his baggage and retinue, whose travelling expenses alone, he supposes, could not have been less than ten thousand pounds. The tents and equipage of the public women and dancing girls were among the most splendid in this caravan. The Moggrebyn (*i. e. western*, or Barbary) caravan, comprised, of late years, altogether from six to eight thousand men (it has been forty thousand); in the year 1814, very few had joined it. The Eastern caravan of this year consisted chiefly of a large party of Malays from Java, Sumatra, and the Malabar coast. A solitary Afghan pilgrim, an old man of extraordinary strength, had walked all the way from Caubul to Mekka, and intended to return in the same manner. Vast numbers of Bedouins flock to Mekka at the time of the pilgrimage; and others from every part of Arabia. Many of these pilgrims depend entirely for their subsistence, both on the journey and at Mekka, on begging; others bring some small productions of their respective countries for sale.

'The Moggrebyns, for example, bring their red bonnets and woollen cloaks; the European Turks, shoes and slippers, hardware, embroidered stuffs, sweetmeats, amber, trinkets of European manufacture, knit silk purses, &c.; the Turks of Anatolia bring carpets, silks, and Angora shawls; the Persians, cashmere shawls and large silk handkerchiefs; the Afghans, tooth-brushes, made of the spongy boughs of a tree growing in Bokhara, beads of a yellow soap-stone, and plain, coarse shawls, manufactured in their own country; the Indians, the numerous productions of their rich and extensive region; the people of Yemen, snakes for the Persian pipes, sandals, and various other works in leather; and the Africans bring various articles adapted to the slave-trade.'—vol. ii. pp. 21, 22.

But, says Burckhardt,

'Of all the poor pilgrims who arrive in the Hedjaz, none bear a more respectable character for industry than the Negroes, or *Tekrourys*, as they are called here. All the poorer class of Indians turn beggars as soon as they land at Djidda. Many Syrians and Egyptians follow the same trade; but not so the negroes. I have already stated in a former journal, that the latter reach the Hedjaz by the three harbours of Massouah, Souakin, and Cosseir. Those who come by Sennar and Abyssinia to Massoua, are all paupers. The small sum of one dollar carries them from Massoua to the opposite coast of Yemen; and they usually land at Hodeyda. Here they wait for the arrival of a sufficient number of their countrymen, to form a small caravan, and then ascend the mountains of Yemen, along the fertile valleys of which, inhabited by hospitable Arabs, they beg their way to Djidda or to Mekka. If rich enough to spare two dollars, they obtain, perhaps,

a passage from Massoua direct to Djidda, where they meet with such of their countrymen as may have landed there from Souakin or Cosseir. Immediately on their arrival at Djidda or Mekka, they apply themselves to labour: some serve as porters, for the transport of goods and corn from the ships to the warehouses; others hire themselves to clean the court-yards, fetch wood from the neighbouring mountains, for the supply of which the inhabitants of Djidda and Mekka are exclusively indebted to them, as none of their own lazy poor will undertake that labour, although four piastres a day may be gained by it. At Mekka, they make small hearths of clay, (kánoun,) which they paint with yellow and red; these are bought by the hadjis, who boil their coffee-pots upon them. Some manufacture small baskets and mats of date leaves, or prepare the intoxicating drink called *bouza;* and others serve as water-carriers: in short, when any occasion requires manual labour, a Tekroury from the market is always employed. If any of them is attacked by disease, his companions attend upon him, and defray his expenses. I have seen very few of them ask for charity, except on the first days after their arrival, before they have been able to obtain employment. From Mekka, they either travel by land, or sometimes make a sea voyage by way of Yembo to Medina, where they again supply the town with firewood. Indeed, the hadjis would be much at a loss in the Hedjaz, if they could not command the laborious services of these blacks. During the Wahaby conquest, they continued to perform the pilgrimage; and it is said, that Saoud (the sherif) expressed a particular esteem for them.'—vol. ii., p. 22—24.

With these industrious creatures from Africa, says our author,

'The poor Indians afford a complete contrast, both in appearance and character: more wretched countenances can hardly be imagined; they seem to have lost not only all energy, but even hope. With bodies which appear scarcely capable of withstanding a gust of wind, and voices equally feeble, they would be worthy objects of commiseration, did not daily experience prove that they delight to appear in this plight, because it secures to them the alms of the charitable, and exempts them from labour. The streets of Mekka are crowded with them; the most decrepid make their doleful appeals to the passenger, lying at full length on their backs in the middle of the street; the gates of the mosque are always beset with them: every coffee-house and water-stand is a station for some of them; and no hadji can purchase provisions in the markets, without being importuned by Indians soliciting a portion of them. I saw among them one of those devotees who are so common in the north of India and in Persia: one of his arms was held up straight over his head, and so fixed by long habit, that it could not be placed in any other situation. From the curiosity which he excited, I was led to suppose that such characters seldom find their way to the Hedjaz.'—vol. ii., pp. 26, 27.

Burckhardt made it his business to converse often and long with the Indian pilgrims of all classes; and it is satisfactory, on the

the whole, for us to learn, that while many of them entertained him with sarcasms, touching the manners and customs of our countrymen in their native region, they one and all summed up their account of the matter in these, or equivalent terms:—'But their raj (government) is good.'

When all the required ceremonies have been gone through at Mekka, the whole concourse of pilgrims repair together on a certain day to Mount Arafat, some on camels, some on mules or asses, and the greater number bare-footed, this being the most meritorious way of performing a jouney of eighteen or twenty miles. 'We were several hours,' says Burckhardt, 'before we could reach the outskirts of the town, so great was the crowd of camels. Of the half-naked hadjis, all dressed in the white *ihram*,—some sat on their camels, mules or asses, reading the Koran—some ejaculated loud prayers, whilst others cursed their drivers, and quarrelled with those near them, who were choking up the passages.' Having cleared a narrow pass in the mountains, the plain of Arafat opened out. Here the different caravans began to disperse, in search of places to pitch their several tents. Hadjis were seen in every direction, wandering among the tents in search of their companions, whom they had lost in the confusion along the road; and it was several hours before the noise and clamour had subsided.

In the morning, Burckhardt ascended the summit of Mount Arafat, from whence he counted about three thousand tents, dispersed over the plain, of which two-thirds belonged to the two Hadj caravans, and to the suite and soldiers of Mohammed Ali; but the greater number of the assembled multitudes 'were,' says our traveller, 'like myself, without tents.' Those of the wife of Mohammed Ali, the mother of Tousoun and Ibrahim Pasha, were magnificent,—the transport of her baggage alone, from Djidda to Mekka, having required five hundred camels.

'Her tent was in fact an encampment consisting of a dozen tents of different sizes, inhabited by her women; the whole inclosed by a wall of linen cloth, eight hundred paces in circuit, the single entrance of which was guarded by eunuchs in splendid dresses. Around this inclosure were pitched the tents of the men, who formed her numerous suite. The beautiful embroidery on the exterior of this linen palace, with the various colours displayed in every part of it, constituted an object which reminded me of some descriptions in the Arabian tales of a Thousand and One Nights.'—vol. ii., pp. 44, 45.

Mr. Burckhardt says, he estimated the number of persons assembled on the plain at seventy thousand; but whether any or how many of them were supplied by 'angels,' he does not say; it is, however, deserving of remark, that he is the *third* traveller who mentions the same number. This enormous mass, after washing and purifying the body according to law, or going through the motions

motions where water was not to be had, now pressed forward towards the mountain of Arafat, and covered its sides from top to bottom. At the appointed hour, the cadi of Mekka took his stand on a stone platform on the top of the mountain, and began his sermon, to which the multitude appeared to listen in solemn and respectful silence. At every pause, however, the assembled multitudes waved the skirts of their *ihrams* over their heads, and rent the air with shouts of 'Lebeyk, allahuma lebeyk!' —'here we are at thy commands, O God!' 'During the wavings of the *ihrams*,' says Burckhardt, 'the side of the mountain, thickly crowded as it was by the people in their white garments, had the appearance of a cataract of water; while the green umbrellas, with which several thousand hadjis, sitting on their camels below, were provided, bore some resemblance to a verdant plain.' The assemblage of such a multitude,—to every outward appearance, humbling themselves in prayer and adoration before God,—must be an imposing and impressive spectacle to him who first observes it, whether Mahommedan, Christian, Jew, or pagan. 'It was a sight, indeed,' says Pitts, 'able to pierce one's heart, to behold so many thousands in their garments of humility and mortification, with their naked heads, and cheeks watered with tears, and to hear their grievous sighs and sobs, begging earnestly for the remission of their sins.' Burckhardt mentions the first arrival of a black Darfoor pilgrim at the temple, at the time when it was illuminated, and from eight to ten thousand persons in the act of adoration, who was so overawed that, after remaining prostrate for some time, 'he burst into a flood of tears; and in the height of his emotion, instead of reciting the usual prayers of the visiter, only exclaimed—"O God! now take my soul, for this is paradise!"'

As the sun descended behind the western mountains, the cadi shut his book,—instantly the crowds rushed down the mountain, the tents were struck, and the whole mass of pilgrims moved forward across the plain on their return. Thousands of torches were now lighted; vollies of artillery and of musketry were fired; sky-rockets innumerable were let off; the pasha's bands of music were played till they arrived at a place called Mezdelfé,—when every one lay down on the bare ground wherever he could find a spot. Here another sermon was preached, commencing with the first dawn and continuing till the first rays of the sun appear, when the multitude again moved forward, with a slow pace, to Wady Muna, about three miles off. This is the scene for the ceremony of 'throwing stones at the devil;' every pilgrim must throw seven little stones at three several spots in the Valley of Muna, or twenty-one in the whole; and at each throw repeat the words, 'In the name of God; God is great; we do this to secure ourselves from the devil and his troops.' Joseph Pitts says, 'as I

was

was going to throw the stones, a facetious hadji met me; saith he, "you may save your labour at present, if you please, for I have hit out the devil's eyes already." The pilgrims are here shown a rock with a deep split in the middle, which was made by the angel turning aside the knife of Abraham, when he was about to sacrifice his son Isaac. Pitts, on being told this, observes, 'it must have been a good stroke indeed.' The pilgrims are taught also to believe that the custom of 'stoning the devil' is to commemorate the endeavour of his satanic majesty to dissuade Isaac from following his father, and whispering in his ear that he was going to slay him.

This 'stoning' in the Valley of Muna occupies a day or two, after which comes the grand sacrifice of animals, some brought by the several hadjis, others purchased from the Bedouins for the occasion, the throats of which must always be cut with their faces towards the Kaaba. At the pilgrimage in question, the number of sheep thus slaughtered 'in the name of the most merciful God,' is represented as small, amounting only to between six and eight thousand. The historian Kotobeddyn, quoted by Burckhardt, relates, that when the Khalif Mokteder performed the pilgrimage, in the year of the Hejira 350, he sacrificed on this occasion forty thousand camels and cows, and fifty thousand sheep. Barthema talks of thirty thousand oxen being slain, and their carcases given to the poor, who appeared to him 'more anxious to have their bellies filled than their sins remitted.' One is at a loss to imagine where, in such a miserable country, all these thousands and tens of thousands of camels, cows, and sheep can possibly be subsisted; the numbers may be exaggerated, but there is no question of their being very great. The feast being ended, all the pilgrims had their heads shaved, threw off the *ihram*, and resumed their ordinary clothing; a large fair was now held, the valley blazed all night with illuminations, bonfires, the discharge of artillery and fireworks; and the hadjis then returned to Mekka. Many of the poorer pilgrims, however, remained to feast on the offals of the slaughtered sheep. At Mekka the ceremonies of the Kaaba and the Omra were again to be repeated, and then the hadj was truly performed. Burckhardt makes no mention of any females becoming hadjis by a visit to Arafat, though Ali Bey talks of two thousand. There is no absolute prohibition, but from what follows, no great encouragement for the fair sex to go through the ceremonies:—

'The Mohammedan law prescribes that no unmarried woman shall perform the pilgrimage; and that even every married woman must be companied by her husband, or at least a very near relation (the Shafay sect does not even allow the latter.) Female hadjis sometimes

times arrive from Turkey for the hadj; rich old widows, who wish to see Mekka before they die; or women who set out with their husbands, and lose them on the road by disease. In such cases, the female finds at Djidda, delyls (or, as this class is called, Muhallil) ready to facilitate their progress through the sacred territory in the character of husbands. The marriage contract is written out before the Kadhy; and the lady, accompanied by her delyl, performs the pilgrimage to Mekka, Arafat, and all the sacred places. This, however, is understood to be merely a nominal marriage; and the delyl must divorce the woman on his return to Djidda: if he were to refuse a divorce, the law cannot compel him to it, and the marriage would be considered binding: but he could no longer exercise the lucrative profession of delyl; and my informant could only recollect two examples of the delyl continuing to be the woman's husband. I believe there is not any exaggeration of the number, in stating that there are eight hundred full-grown delyls, besides boys who are learning the profession. Whenever a shopkeeper loses his customers, or a poor man of letters wishes to gain as much money as will purchase an Abyssinian slave, he turns delyl. The profession is one of little repute; but many a prosperous Mekkawy has, at some period of his life, been a member of it.'—vol. i. pp. 359, 360.

Burckhardt remained at Mekka a whole month after the conclusion of the hadj, at which time it appeared like a deserted town:—

'Of its brilliant shops, one-fourth only remained; and in the streets, where a few weeks before it was necessary to force one's way through the crowd, not a single hadji was seen, except solitary beggars, who raised their plaintive voices towards the windows of the houses which they supposed to be still inhabited. Rubbish and filth covered all the streets, and nobody appeared disposed to remove it. The skirts of the town were crowded with the dead carcases of camels, the smell from which rendered the air, even in the midst of the town, offensive, and certainly contributed to the many diseases now prevalent.'—vol. ii. p. 84.

That a semi-barbarous set of people should believe in the efficacy of this *hadj* is not in the least surprising—not half so much so as that in enlightened Germany at this hour there should be found believers, persons of high rank and station too, in the miraculous performances of Prince Hohenlohe; to say nothing of not a few besotted expectants, nearer home, of a young Shiloh from the rotten carcase of old Johanna Southcote. There is no rational account to be given as to the extent of human credulity; and we see no good reason why a Mussulman should not believe, as he is in duty bound to do, that Mahomet was conducted from Mekka to Jerusalem, and ascended from thence into the seventh heaven, under the guidance of Gabriel, and came back to his bed in the same night, as readily as a good catholic believes, as his church demands,

demands, in the flight of the chapel of Loretto; or that the statues of saints and angels take a walk on particular occasions from one church to another, which everybody knows frequently happens. At this moment there is a regular *hadj* performed every year by, on an average, some twelve or thirteen thousands of our own poor ignorant Irish peasantry to that scene of miserable imposture and quackery, in the north of their island, known by the name of St. Patrick's Purgatory; and as Mekka is visited by pilgrims from Morocco and Caubul, so is this Catholic Kaaba by true believers from the utmost recesses of Maryland.*

Mahomet disclaimed all power of performing miracles, and when taunted by the people of Mekka for not being able to do what Jesus, and Moses, and other prophets had done before him, he told them that as men would not believe, nor be obedient after the miracles they had witnessed, God had given him the sword, that by it and his revelations mankind might be compelled to believe and obey; and sure enough by the sword and the Koran together he and his successors have but too well succeeded in disseminating their false doctrines in Africa and Asia, where now may be counted, at the very least, one hundred millions of Mussulmans. The Arabians, before the time of Mahomet, were idolaters, and, like the other branch of Abraham, were led away to the worship of every object, animate or inanimate. Every house, every hill, and every valley, had their gods of sticks or stones, and so numerous were their objects of worship that the Kaaba is reported to have contained three hundred and sixty idols, one for every day in the year, and that both men and women assembled to perform the ceremony of walking round it seven times, not clothed with the *ihram*, but in a state of perfect nudity, in order that their sins might be thrown off with their garments. The superstitious rites, therefore, that are now performed are few, if any of them, the invention of Mahomet; indeed, they bear the stamp of a far more remote antiquity. From the earliest periods of mankind to the present time, and throughout the whole of the eastern world, the odd numbers, and particularly that of *seven*, have been marked as potential for good or evil. The throwing off the garments, even to nakedness, was sometimes the symbol of penitence and sometimes of joy; in the ceremonies of the pilgrimage it would seem to indicate both; and we may perhaps consider the linen *ephod*, which David put on when he threw off his garments and danced before the ark, to be symbolic of the same intention as the *ihram* of the Mahommedans. The well of Zemzem is the spring of water which burst forth in the wilderness, at the moment

* See Sketches in the North of Ireland—an interesting volume, published some three or four years ago.

when

when Hagar was witnessing her infant son Ishmael ready to perish of thirst; and the alternate running and walking between Szafa and Merua, sometimes running back and sometimes stopping, like one who has lost something, is supposed, according to Arab authorities mentioned by Sale, to represent Hagar seeking water for her unfortunate child. The rite of circumcision moreover does not belong to Mahomet; and it is remarkable enough, that as Isaac was circumcised on the eighth day, which the Jews still observe, Ishmael was thirteen years old when he was circumcised, and it is about this age that the Arabians still perform the rite.

Though Mahomet, while keeping up, in deference to popular prejudices, a modification of these silly and superstitious ceremonies, abolished idolatry—it was probably to constitute himself the only idol. The worship of images was, however, inconsistent with the grand principle of the new religion, which, says Gibbon, consisted of an eternal truth, and a necessary fiction. 'There is no God but God, and Mahomet is the apostle of God.' Though, under this character, he set up no pretensions to exhibit overt miracles, yet his fictions were of so bold a nature, that nothing but the most determined impudence, or the most ardent enthusiasm, could have ventured to utter them. The most extraordinary part of his character is, that he could not write, nor, as it would appear from several passages in the Koran, read his own code of civil and religious ordinances, propounded for the future guidance of his countrymen. Gibbon calls him an 'illiterate barbarian,' but states, on the authority of Abulfeda, that he was an eloquent speaker, distinguished by the beauty of his person, and that before he spoke he was sure to engage on his side the affections of those he addressed. 'They applauded his commanding presence, his majestic aspect, his piercing eye, his gracious smile, his flowing beard, his countenance that painted every sensation of the soul, and his gesture that enforced each expression of the tongue.' Gibbon, indeed, who never loses an opportunity to launch a sarcasm at the Christian religion, treats that of Islam and its founder with great tenderness; 'it is a creed too sublime for our present faculties;' 'it is free from suspicion or ambiguity, and the Koran is a glorious testimony to the Unity of God.' He finds an apology for all his lies and impostures,—for his fraud, perfidy, cruelty, and injustice,—because 'in the support of truth, the arts of fraud and fiction may be deemed less criminal.' The excessive debaucheries and licentiousness of the false prophet are touched on with a delicate hand; 'perfumes and women were the two sensual enjoyments which his nature required, and his religion did not forbid; and Mahomet affirmed that the fervour of his devotion was increased by these innocent pleasures.'

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Though Mahomet disclaimed the power of working miracles, to have produced such a work as the Koran, which for twelve hundred years has been established as a code for the religious, moral, and legal conduct and observance of a hundred millions of people, is itself a miracle; but Mahomet never pretended that he or any other mortal had the slightest concern in the composition of the Koran: on the contrary, he invariably asserted its divine origin, and that its precepts were communicated to him from time to time by the Angel Gabriel, who received them from the hand of God, and that their object was to make perfect what had been but partially revealed by Moses and Christ. The story of the tame pigeon that was supposed to descend from heaven and whisper in his ear, is a pure fiction, first propagated by Grotius, in his 'Truth of the Christian Religion,' who, on being questioned by Pococke as to his authority, admitted that it rested on Christian, and not on Arab, authority. Gibbon could not suffer this to pass without a sarcasm, and has accordingly characterised it as a 'pious *lie*.' The suspension in the air of the coffin of Mahomet, Pitts declared, above a century ago, to be a 'false story,' and yet it has scarcely ceased to be considered popularly, if not a fact, at least what it is not, a Mahommedan fiction.

It has been supposed, however, that the angel Gabriel was neither more nor less than a mortal—either a learned Jew of the name of Abdallah Ebn Salam, or a Nestorian monk, named Sergius, or both. It must have been some one, at any rate, well acquainted with Jewish history, and with every part of the Old and New Testament. Beautiful as the language may be, and this is admitted by every Arabic scholar; and sublime as are the sentiments and expressions applied to the majesty and attributes of the One God, the whole is as clumsy a composition as can well be imagined—a servile, mutilated, and vile plagiarism, from the Old and New Testaments, of which it is a mean parody rather than an imitation; a strange medley, where the sublime and the ludicrous are so closely huddled together, that before the reader has time for admiration of the one, he is disgusted with the meanness and absurdity of the other. Witness that pathetic story of Joseph and his brethren, so beautifully told in the Holy Bible, and so garbled and perverted in the Koran as to excite only feelings of disgust.

Divested of its rubbish, the positive duties enjoined by the Koran may be considered to consist—first, in the belief of One eternal, self-created, omnipotent God, and of Mahomet his prophet; second, in the observance of prayer at stated times, with the necessary ablutions and purifications, which, however, strictly as they are ordered to be kept, are mostly impracticable in the deserts

serts of Africa and Arabia; third, of the practice of alms-giving, which is observed more as a positive duty enjoined, than felt as an act of charity, and more out of ostentation, than as a relief to suffering humanity; for Mahommedans are well known to have little feeling for human misery, and are utterly regardless of human life. Ostentation in the giver is quite sure to create impudence in the beggar, several curious instances of which were observed by Burckhardt, and among others the following whimsical one:—

'While I was at Djidda, a Yemen beggar mounted the minaret daily, after mid-day prayer, and exclaimed loud enough to be heard through the whole bazar, "I ask from God fifty dollars, a suit of clothes, and a copy of the Koran; O faithful, hear me, I ask of you fifty dollars," &c. &c. This he repeated for several weeks, when at last a Turkish pilgrim, struck by the singularity of the beggar's appeal, desired him to take thirty dollars, and discontinue his cries, which reflected shame upon the charity of all the hadjis present. "No," said the beggar, "I will not take them, because I am convinced that God will send me the whole of what I beg of him so earnestly." After repeating his public supplication for some days more, the same hadji gave him the whole sum he asked for but without being thanked. I have heard people' (he continues) 'exclaim in the mosques at Mekka, immediately after prayers, "O brethren, O faithful, hear me! I ask twenty dollars from God, to pay for my passage home; twenty dollars only. You know that God is all-bountiful, and may send me a hundred dollars; but it is twenty dollars only that I ask. Remember that charity is the sure road to paradise." There can be no doubt that this practice is sometimes attended with success.'—vol. i. p. 388.

The fourth precept is that of fasting, which, with all their boasted observance, is, in reality, a mere pretence, and as little meritorious as the pretended fasting of the Catholics. The fifth command is the performance of a pilgrimage to Mekka, which is incumbent on every good Mussulman, though expensive to all that can afford it, and attended with much suffering to the many thousands who cannot. Mr. Burckhardt says—

'The termination of the Hadj gives a very different appearance to the temple. Disease and mortality, which succeed to the fatigues endured on the journey, or are caused by the light covering of the ihram, the unhealthy lodgings at Mekka, the bad fare, and sometimes absolute want, fill the mosque with dead bodies, carried thither to receive the Imam's prayer, or with sick persons, many of whom, when their dissolution approaches, are brought to the colonnades, that they may either be cured by a sight of the kaaba, or at least to have the satisfaction of expiring within the sacred inclosure. Poor hadjis, worn out with disease and hunger, are seen dragging their emaciated bodies along the columns; and when no longer able to stretch forth their hand to ask the passenger for charity, they place a bowl

a bowl to receive alms near the mat on which they lay themselves. When they feel their last moments approaching, they cover themselves with their tattered garments; and often a whole day passes before it is discovered that they are dead. For a month subsequent to the conclusion of the Hadj, I found, almost every morning, corpses of pilgrims lying in the mosque; myself and a Greek hadji, whom accident had brought to the spot, once closed the eyes of a poor Moggrebyn pilgrim, who had crawled into the neighbourhood of the Kaaba, to breathe his last, as the Moslems say, "in the arms of the prophet and of the guardian angels." He intimated by signs his wish that we should sprinkle Zemzem water over him; and while we were doing so he expired: half an hour afterwards he was buried.'—vol. i. pp. 293, 294.

The situation of Mekka is singularly unhappy, and ill adapted for the accommodation of the numerous votaries of Islam that flock thither to perform the rites of the pilgrimage. The town is built in a narrow valley, hemmed in by barren mountains; the water of the wells is bitter or brackish; no pastures for cattle are near it; no land fit for agriculture; and the only resource, from which its inhabitants derive their subsistence, is a little traffic, and the visits of the hadjis. Mr. Burckhardt estimates the population of the town and suburbs at twenty-five to thirty thousand stationary inhabitants, to which he adds three or four thousand Abyssinian and black slaves. There is a particular market, where these slaves are exhibited on stone benches; and Burckhardt observes, 'as beauty is an universal attraction, these benches are always surrounded by hadjis, both old and young, who often pretend to bargain with the dealers, for the purpose of examining the slave-girls, during a few moments, in some adjoining apartment.' It does not, indeed, appear that the sanctity of the place has contributed much to the morality of the inhabitants. Even 'the holy kaaba is rendered the scene of such indecencies and criminal acts, as cannot with propriety be more particularly noticed. The temple itself, the very sanctuary of the Mahommedan religion, is almost publicly and daily contaminated by practices of the grossest depravity; the young of all classes are encouraged in them by the old, and even parents have been so base as to connive at them for the sake of money.' Public women expose to sale corn and dhurra in the temple, which the pilgrims purchase to throw to the sacred pigeons, of which there are many thousands—this being a common mode of these ladies exhibiting themselves, and bargaining with the hadjis for something more than the corn.

Mr. Burckhardt proceeded from Mekka to Medina with a small caravan of hadjis. He found the country sandy and barren, little verdure occurring, except from the tamarisk, which grows luxuriantly

riantly in all sandy soils, and whose young leaves supply excellent food for camels. Every traveller, whether pilgrim or not, on entering Medina, must forthwith pay a visit to the great mosque and the tomb of Mahommed. The mosque is somewhat similar to, but smaller than, that of Mekka, and is held in equal veneration. The most holy place is called El Rodha, where prayers and prostrations are performed by the visiters.

'The entrance to the Rodha, near Báb-es'-Salám, has a splendid appearance: the gaudy colours displayed on every side, the glazed columns, fine carpets, rich pavement, the gilt inscriptions on the wall to the south, and the glittering railing of the Hedjra* (or tomb of the prophet) in the back-ground, dazzle the sight at first; but, after a short pause, it becomes evident that this is a display of tinsel decoration, and not of real riches. When we recollect that this spot is one of the holiest of the Mahommedan world, and celebrated for its splendour, magnificence, and costly ornaments, and that it is decorated with the united pious donations of all the devotees of that religion, we are still more forcibly struck with its paltry appearance. It will bear no comparison with the shrine of the most insignificant saint in any Catholic church in Europe, and may serve as a convincing proof, that in pious gifts the Mahommedan have at no period equalled the Catholic devotees; without noticing many other circumstances, which help to strengthen the belief that, whatever may be their superstition and fanaticism, Mohammedans are never inclined to make as many pecuniary sacrifices for their religious establishments, as Catholic, and even Protestant Christians do for theirs.'—vol. ii. pp. 177, 178.

At Mekka, ladies, of more respectable character than those who feed the pigeons, are constantly attending the mosque, but at Medina it is thought very indecorous for women to enter the holy temple.

'Even in their houses, the women seldom pray, except devout old ladies; and it is remarked as an extraordinary accomplishment in a woman, if she knows her prayers well, and has got by heart some chapters of the Koran. Women being considered in the east as inferior creatures, to whom some learned commentators on the Koran deny even the entrance into Paradise, their husbands care little about their strict observance of religious rites, and many of them even dislike it, because it raises them nearer to a level with themselves; and it is remarked, that the woman makes a bad wife, who can once claim the respect to which she is entitled by the regular reading of prayers.'—vol. ii, pp. 196, 197.

It is, however, a mistaken, though a very common notion, that Mahomedans do not admit of women having souls. The Koran

* The veil of the tomb of Mahomet is sent annually from Constantinople, like that of the Kaaba at Mekka, which it resembles in substance and ornament. The old one is always sent back to the seraglio, and there used as palls and winding-sheets for the princes of the Ottoman house.

sanctions

sanctions no such opinion; but it does sanction the idea, that in their future, as in their present, state of existence, they are doomed to suffer degradation—the place assigned to the best of them being one of the lower mansions of Paradise; while their lords and masters are to enjoy a supreme state of felicity, in the society of black-eyed *houris*, made of pure musk, and dwelling in pavilions of pearls—'damsels of paradise, created,' as the Koran says, 'by a peculiar creation.' The commentators say, however, that if a good Mussulman should express a wish to have his wife in those regions of Paradise where the houris dwell, a dispensing order will be given for her admission to these higher mansions.

Nothing, indeed, can more strongly mark the rude and barbarous state of moral feelings among the Mahomedans, than their conduct towards their females in this world, and their opinions as to their state in that which is to come. In Christian communities only have females found their proper level, and not always in these. It will generally be found, that in new societies, the superior strength and activity of man, where the exertion of both may be necessary, will give him a temporary ascendancy over women; and that it is only the scarcity of the latter in such situations—as in New South Wales, for instance—that has there placed them on their proper level. When Captain Beechey was at Pitcairn's Island, that old patriarch, Adams, would not permit his daughter, nor any of the females, to sit down at table, till the male company had finished their repasts; and the only reason he could assign for this was, that man was first created, and that woman was made out of his body as a *help*. This puts one in mind of those saucy *helps* in the United States of America, where all have the happiness of being independent of each other; even though there, from what is stated by Captain Basil Hall, and other travellers, one would almost conclude that the same kind of feeling predominates which actuated old Adams. They all remark on the absence of females at balls, races, fairs, and other places of amusement, whether public or private—or their forming, when present, distinct parties from the men. Captain Hall, indeed, states, in so many words, 'that the women do not enjoy that station in society which has been allotted to them elsewhere;' the probable cause of which he endeavours to explain, by the propensity of the men for electioneering squabbles and *cheap* justice; perhaps, we may add, their avidity for dram-drinking and chewing and smoking tobacco—pursuits and habits in which we will not pay the fair ladies of America so ill a compliment as to suppose them desirous of participating.

But we are digressing. The people of Medina, though a mixed race like those of Mekka, are much more rigid than them in

in the observance of their sacred rites. They have more gravity and austerity in their manners. The traveller is less infested by beggars, and his nose offended with fewer nuisances than in the streets of the former place; but Mr. Burckhardt saw little of them, having been seized with a fever a few days after his arrival. When sufficiently recovered, he made the best of his way to Yembo, the seaport of Medina, with a view of crossing over to Egypt; but the soldiers and the lady of Mahomed Ali, and numerous Turkish hadjis, had engaged all the ships. This was the more unfortunate, as he soon discovered that the plague was raging in Yembo, though the Moslems said that was impossible, as 'the Almighty had for ever excluded that disorder from the holy territory of the Hedjaz.' No instance of this fateful disease had, in fact, been known in the Hedjaz within the memory of man. It had, on this occasion, been carried from Cairo to Suez, thence in some bales of cotton cloth to Djidda, and so on to Yembo. Forty or fifty persons were dying daily; a dreadful mortality in a population of only five or six thousand. The governor, it seems, took every precaution to prevent the extent of the evil from being known; but the howling lamentations of 'La illaha ill' Allah!' which announce a Moslem funeral, struck the ear from every quarter, and forty-two of these were counted by our traveller in one day. That this horrible malady should spread its ravages far and wide among this infatuated people is not to be wondered at. 'The women,' says Burckhardt, 'enter the apartments, embrace and console all the females of the family, and expose themselves every moment to infection. It is to this custom, more than to any other cause, that the rapid dissemination of the plague in Mahomedan houses must be ascribed; for, when the disease once breaks out in a family, it never fails of being transmitted to the whole neighbourhood:' and yet we have been told, and barefaced effrontery had made the tale believed in high quarters, that the plague is not infectious!

Burckhardt, however, had the good fortune to escape it, though obliged to remain in the midst of it for eighteen days, when at length he succeeded in getting a passage in a *sambouk*, or large open boat, to Cosseir; but having spent twenty days in reaching Sherm, at the entrance of the gulf of Akaba, he here hired camels for himself and servant, and in a few days reached a small village near Tor, called El Wady, consisting of a few houses surrounded with date-trees, and gardens well stocked with fruits of various kinds. Here he remained for some time, in the enjoyment of complete repose, good mountain air, and excellent water. After a fortnight's residence, this lamented traveller found his strength sufficiently recruited to enable him to proceed for Cairo, which he reached on the seventh day from Tor. We

We have little further to add on the subject of the Hadj; or of—

> 'The Arabian Prophet's native waste,
> Where once his airy Helpers schemed and plann'd,
> Mid phantom lakes, bemocking thirsty men,
> And stalking pillars built of fiery sand.'

The humiliation of Mr. Canning's 'maximus Othmannides' will go far, we think, to put an end to the follies and the vices, the habits of indolence and mendicity, which these pilgrimages to Mekka are calculated to encourage. The donations of the pilgrims were at one time alone sufficient to support the great number of eunuchs and other idlers attached to the mosque. When these began to fail, large sums in money and in corn were sent annually from Egypt, and still more from Constantinople; but we may conclude that the supplies from either of these quarters will in future be small indeed. Burckhardt says the tickets, entitling the bearers to annual life pensions from the Constantinopolitan *surras*, as they are called, were sold, when he was there, at two years and a half purchase, which spoke not much as to the opinion of the people of Mekka, even at that time, of the stability of the Turkish government. From Mahomed Ali of Egypt nothing has been received of late years, and probably never will be in future; he is well known to be an utter infidel. His resources, besides, just now, are otherwise employed, in the construction and repair of his fortifications, in training his army according to European tactics, and in augmenting his naval force. His whole conduct, indeed, sufficiently betrays his intention of endeavouring to establish an independent government in Egypt, to which, it is said, he calculates on being able to annex the Sultan's now loose and but nominal dependencies of Tripoli, Tunis, and Algiers—and probably also Morocco—in all which, we must say, we wish him success.

On the whole, notwithstanding all that Burckhardt records as to certain symptoms of enthusiasm in the course of his hadj, it is sufficiently plain that, even in the original seat of Mahommedanism, the religious feelings of the people have cooled down considerably. The educated Moslems everywhere are mostly of the sect of Mahomet Ali of Egypt; nor, however we may question many of the details of Mr. Forster's work, can we have any doubt that all things are thus working together for the re-establishment of the true religion in the regions where man was first civilized, and where the oracles of God were uttered. In the meantime, the decline of the arch-heresy of the East will be regretted by no one who judges of the tree by the fruit. 'A long residence,' says Burckhardt, 'among Turks, Syrians, and Egyptians' (and no man knew them better), 'justifies me in declaring that they are wholly deficient in virtue, honour, and justice; that they have little true piety, and still less charity or forbearance; and that honesty is only to be found in their paupers or idiots.'

ART. III.—*A Statement of some important Facts, supported by authentic Documents, relating to the Operation of Breaking the Enemy's Line, as practised for the first time in the celebrated Battle of the 12th April*, 1782. London, 1829.

WE have read with unfeigned regret this 'Statement of some important Facts,' written by Major-General Sir Howard Douglas, and printed at the head of a new edition of his valuable and standard work on 'Naval Gunnery,' as well as in the shape of a pamphlet. This revival of one old dispute, accompanied with the assertion of another claim, which has been suffered to remain dormant for seven and forty years, cannot fail to occasion, and, indeed, we happen to know that it has occasioned, a painful and angry feeling among the friends of the parties most interested, but more particularly in the family of the late Lord Rodney. We know enough of Sir Howard Douglas to be convinced, that nothing but a sense of duty urged him to make his 'Statement;' we have heard, and believe, that he is not only a highly distinguished officer in his profession, and an able and successful governor in one of our colonies, but a most amiable, kind-hearted, and benevolent man, and the last person who would intentionally give pain to any human being; and we are sure he will be the first to lament that such has unhappily been the result of his present publication. While, however, we thus feel ourselves reluctantly compelled to disapprove the measure to which he has resorted, we cannot but honour the motives, mistaken as we think they are, by which he has been influenced—a filial solicitude to establish a claim, which he conceives to be due to the memory and the character of his deceased parent, Admiral Sir Charles Douglas; but which, while living, from all we perceive and can learn, Sir Charles himself uniformly disavowed; indeed, Sir Howard himself tells us, 'he is sure his father's spirit would not approve of his reclaiming any of the laurels of that achievement (the breaking of the enemy's line) from the tomb of his chief.'—(*Statement*, p. 61.)

Of the late Lord Rodney we know nothing, beyond his character as a brave and intelligent officer, and his important public services; we have no personal acquaintance with any part of his family; but, in justice to the character he held, and the reputation he has left behind him, which one of the evidences—we might almost say the only evidence—brought forward by Sir Howard Douglas goes not only to sully but to destroy, and which are the property of the public, we have deemed it our duty to institute an inquiry into the validity of these claims—neither of which could be established, under all the circumstances of the case, without leaving Rodney 'poor indeed.'

It

If, in spite of every endeavour to view the case with impartiality, we should appear to lean somewhat towards the side of him whom we deem to be the injured person, it is because we think it a monstrous principle, that the name of an old and gallant officer, who 'has done the state some service'—who, in fact, had the good fortune of doing more than has fallen to the lot of ninety-nine in the hundred of his brother officers of the same rank, that stand, or have stood, on the list—should be subject, after the lapse of half a century, when he and all his contemporaries are no more, to be arraigned and brought to trial before the public tribunal, when the means are not to be procured by which a sentence of acquittal or condemnation can be satisfactorily pronounced. The only living witnesses present at the battle of the 12th April, 1782, as far as we can discover, are —Admiral Sir James Saumarez, who commanded the Russell; Admiral Knight, captain of the Barfleur, bearing the flag of Sir Samuel Hood; Sir Joseph Yorke, then a midshipman of the Formidable, not fourteen years of age; Captain Sir Charles Dashwood, a midshipman of thirteen years of age; and Sir Gilbert Blane, physician of the fleet.

We have two anti-Rodney statements to examine—and we shall begin with the elder of the two; the purpose of which is as follows:—The late Mr. John Clerk, of Eldin, near Edinburgh, (a gentleman in whose family great talents appear to be hereditary,) was the author of a treatise called 'An Essay on Naval Tactics'—a book that was published, or printed, just about the time that Sir George Rodney left London to take the command of the West India fleet. In this book, an original manœuvre, or one stated to be such, is described, (namely, that of breaking the line,) by the practice of which it is held forth, that a great advantage may be obtained over the enemy in battle; that this idea was communicated to Rodney previous to his joining the fleet, and also to Sir Charles Douglas; that it was acted upon in the memorable battle of the 12th April, 1782; and, by so acting, a decisive victory was gained over the French. Such is the statement set up by certain friends of Mr. Clerk. The family of Rodney wholly disavow any such claim, and maintain that no such communication was ever made to their relative, or that he had the least knowledge of any such book or plan as that of Mr. Clerk. But Sir Howard Douglas goes farther; he not only denies all knowledge of Clerk's book or plan, on the part either of Rodney or of his father, but asserts the whole merit of the manœuvre, of breaking the enemy's line, as due to the latter, then captain of the fleet, and in Rodney's ship; assumes that, 'had it not been for *him*, the *idea*, whether *his* or another's, would not have been acted

upon;' and 'that it is to Sir Charles Douglas the country is indebted for the manœuvre, by which that brilliant and decisive victory was gained.'

Our present inquiry, then, will be directed to the two main points now brought into discussion,—First—Had or had not Mr. Clerk's work, or his ideas on the subject of 'breaking the enemy's line,' been communicated, directly or indirectly, either to Sir George Rodney or to Sir Charles Douglas, previous to the battle of the 12th April? Second—Supposing the claim of Clerk to be disposed of, was it Sir Charles Douglas who, at the critical moment, first suggested, and by his perseverance and conduct, as it would appear in the 'Statement,' almost *forced* Sir George Rodney, contrary to his inclination, to pass through the enemy's line? We are aware of the difficult and delicate nature of the task we are embracing, and the little chance we have '*tantas componere lites,*' to the satisfaction of the parties concerned; but a love of truth, and justice to the deceased, compel us to undertake what we conceive to be a subject of great national importance,—not as to the merit of the manœuvre itself,—for naval officers are much divided on that point; but as involving the character of one of our most successful naval heroes.

I. Mr. Clerk, in the preface to his 'Essay on Naval Tactics,' (edition of 1782,) states as follows:—

'In January 1780, when I was in London, being fully impressed with the importance of the naval ideas which long had been working in my imagination, and in consequence of the strictures on Lord Keppel's engagement sent the year before, some appointments, for the purpose of further communication on this subject, were made by my friends. Among the first of these, was an appointment with Mr. Richard Atkinson, the particular friend of Sir George Rodney, who was then in London, and was immediately to set out to take the command of the fleet in the West Indies. At this meeting, the whole of my acquisitions on the subject of Naval Tactics, for many years back, was discussed. I communicated to Mr. Atkinson the theories of attack from both the windward and the leeward; the first as contained in the first part of this Essay; the last as contained in the second part, now published a second time. I particularly explained my doctrine of cutting the enemy's line, &c. as set forth in both first and second parts. I also produced the paper of strictures on Lord Keppel's rencounter of the 27th of July, which contained all my general ideas on the subject of Naval Tactics. All this Mr. Atkinson undertook to communicate to Sir George Rodney, which he could have no difficulty in doing, as I left in his custody sketches made according to my usual method of demonstration, together with the necessary explanations.

'From the best authority, I have been informed that Lord Rodney himself at all times acknowledged the communication; and having, from

from the first, approved of my system, declared, even before he left London, that he would strictly adhere to it in fighting the enemy.'—pp. xxxvi., xxxvii.

In answer to this, Sir Howard observes, that Mr. Atkinson could not have been the medium of communication, at the time stated by Mr. Clerk, as Sir George Rodney sailed from St. Helen's before the period at which he is represented as undertaking to expound Mr. Clerk's theories to that admiral. This is true; Sir George having sailed on the 25th December, 1779. Personally, therefore, Mr. Atkinson certainly did not communicate with Sir George Rodney, nor has Mr. Clerk or his family shown that he did so, either through the medium of a third person, or by letter; and we confess it appears to us somewhat odd, that no question should have been asked of Mr. Atkinson, whether any and what steps had been taken by him to perform his engagement, and that we hear nothing more of him in this business than what Mr. Clerk says in the preface to his book.

In a Memoir on Naval Tactics by the late Professor Playfair, published in the Transactions of the Royal Society of Edinburgh, it is asserted that—

'In the following year, (1781) he (Mr. Clerk) visited London himself, and had many conferences with men connected with the navy, among whom he has mentioned Mr. Atkinson, the particular friend of Sir George Rodney, the admiral who was now preparing to take the command of the fleet in the West Indies. A more direct channel of communication was the late Sir. Charles Douglas, who went out several months after the admiral, in order to serve as his captain, and did actually serve in that capacity in the memorable action of the 12th April, 1782. Sir Charles, before leaving Britain, had many conferences with Mr. Clerk on the subject of naval tactics, and, before he sailed, was in complete possession of that system.'—*Statement*, p. xxv.

Here, Sir Howard Douglas observes, 'the Professor is mistaken, doubly mistaken;' because Sir Charles did not go out several months *after* Sir George Rodney; they went out together. As this is conceived to be a material point, we have ascertained the precise dates. Rodney, having returned from the West Indies to this country in 1781, was again ordered to proceed to that part of the world. On the 24th November, 1781, Sir Charles Douglas was appointed first captain of the fleet under Sir George Rodney, in the Formidable, or any ship whereon the Admiral should hoist his flag. On the 1st January, 1782, as appears from the date of his letters, he was in the Arrogant (then bearing the flag), and on the 7th in the Formidable, to which the flag had been shifted on the 6th January; and on the 15th of the same month these ships, carrying both Sir George and Douglas, sailed from Torbay for the

the West Indies. The Professor, however, must have jumbled dates a little—he must allude to the *first* departure of Rodney (in 1779), and not the second (in 1782), in the interval between which Mr. Clerk *might* have seen Sir Charles Douglas, who was unemployed, and, we believe, in London. Something more, however, will be required than his bare assertion, that 'Sir Charles, before leaving Britain, had many conferences with Mr. Clerk on the subject of naval tactics;' and was, before he sailed, in 'complete possession of that system.' The inference we should draw is, that no such communication did take place; if it had, Mr. Clerk, in his preface, would not have been silent regarding such conferences, the proof of which would have established his case. The Professor, moreover, after thus volunteering, in one part of his essay, assertions, of the validity of which he has offered no proof, must thank himself if his readers receive with considerable caution the story which he tells in another page of it, of the late Lord Haddington meeting Rodney at Spa, 'in the decline of life, when both his bodily and his mental powers were sinking under the weight of years.' 'In this situation (stretched on his couch) he would often break out in praise of the *Naval Tactics*, exclaiming, with great earnestness, "John Clerk, of Eldin, for ever!"' This solitary cheer, Lord Haddington must have thought was but tardy justice to a man, whose name never once, as far as we can discover, escaped the lips, or was traced by the pen, of the gallant admiral, before 'his mental powers were sinking.' And, after all, is it quite certain that, granting Lord Haddington's story to be correctly reported, the interpretation put on it by Mr. Playfair must be accepted? We rather think not: we rather think the good old admiral might have wished to express his sense of the merits of Mr. Clerk's book to a friend and neighbour of that gentleman, which Lord Haddington was, without expecting that this would be considered as at all bearing on the question of his own originality in breaking the line on the proudest day of his expiring life.

Sir Howard Douglas, however, has produced undeniable testimony, that no such manœuvre as that of Mr. Clerk was ever suggested to his father; that he had no knowledge whatever of the existence of such a tract or manuscript as that supposed to have been in Sir George Rodney's possession; and that Sir George had never, in the remotest degree, mentioned such a circumstance to his father. It appears that a member of his family had communicated to Sir Charles the grounds on which Mr. Clerk's claims had been advanced; the answer to which is dated 'Formidable, St. Lucie, March 2, 1783,' of which answer Sir Howard gives the following account and extracts:—

'After

'After acknowledging the receipt of the letter communicating Mr. Clerk's claim to the honour of having suggested the manœuvre of breaking the line, by which the victory had been gained, my father declares "the whole story to be so far-fetched, improbable, and groundless, as not to deserve a serious refutation." That in being so near his commander-in-chief, he had a far more experienced instructor to guide and direct him in the execution of his duty, than the author alluded to; and so entirely positive was he that he had never spoken on such matters with any civilian of the name, that he took the person to whom allusion had been made to be a Lieutenant Clark of the navy; but that even of such conversation he (my father) had no recollection whatever. He then instructs his correspondent, that inasmuch as he is mentioned or alluded to, "the subject should be treated as a production offensive to himself, and as highly injurious to the person who commanded in chief on that celebrated day;" and who certainly did not stand in need of any instruction derived, or that could be derived, from Lieutenant Clark, or any other person, that he knew of.'—*Statement*, pp. xxxv., xxxvi.

With such decisive evidence before us, it is scarcely necessary to take much notice of the very indiscreet Introduction to the third edition of Clerk's work, said to be written by a naval officer. 'It was Clerk's tactics,' says this writer, 'which caused our admirals to find out and practise the method of forcing an enemy's fleet to close action.' He continues,—'We *know* his book was in the possession of Rodney, the first man who did practise it; and we *are sure* his practice was taken from this book, because, before he sailed for the West Indies, when asked his opinion of it, he is *known* to have said, "I will show what is my opinion the first time I meet an enemy's fleet."' With this *knowledge* and this *certainty*, is it not rather surprising, that, in a disputed point of this kind, the source is not given from whence they emanated? But it unfortunately happens that Mr. Clerk's injudicious friends scruple not to deal in assertions, without producing one atom of anything like proof; and, indeed, the author himself is not altogether free from this defect, for he says, 'Sir George Rodney himself, when he arrived in Britain, made no scruple to acknowledge that I had suggested the manœuvres by which he had gained the victory of the 12th of April, 1782.'—(Pref. p. xliii.) If Mr. Clerk knew this to be so, he surely might have known to whom Sir George Rodney so unscrupulously made the acknowledgment —and he was too clever a person not to know, that by naming those individuals he could at once terminate the controversy.

There is one little circumstance noticed by Mr. Clerk, which is certainly capable of being construed to bear upon the question at issue, and to 'show Lord Rodney's opinion' of Clerk's 'Naval Tactics:' it is this. On his arrival in the West Indies, Rodney fell in

in with and engaged the French fleet, off the island of Martinico, the 17th April, 1780. In his official despatch, giving an account of the battle, is the following passage :—' At forty-five minutes after six, I gave notice, by public signal, that my intention was to attack the enemy's rear with my whole force.' This is precisely what is recommended in Mr. Clerk's system ; and therefore it was natural enough for him to conclude that Rodney had intended to act up to it. ' This,' says he, ' was a language altogether new, either from Admiral Rodney or any of his predecessors ; and as it was the first instance in which a British admiral had ventured to deviate from the old practice, I could not help immediately ascribing it to the communications I had made to Mr. Atkinson.' This was undoubtedly a fair and legitimate conclusion. Rodney, however, found himself compelled to alter this plan of attack ; on which Mr. Clerk observes,—' Elated as I was by the above passage, I was disappointed by another in the same letter ;' it was a signal he made ' for every ship to bear down and steer for her opposite in the enemy's line.' We can inform Mr. Clerk *why* he altered his plan. Instead of obeying the signal, two of the oldest captains, who were to lead, hauled their wind, and stood for the van of the enemy, conceiving, no doubt, the old plan of a distant cannonade in running along the line was intended. The consequence of which was, as Rodney says in the reprimand given to one of them,* that instead of his line engaging, as he had intended, at *two cables'* distance from each other, they had separated from the centre *two leagues*. Rodney states he kept the signal flying ; but in his time naval signals were in a very imperfect state.

There was nothing, therefore, in this departure from the intention announced by the first signal, that ought to have caused any disappointment to the author of the ' Essay on Naval Tactics,' had the cause of it been explained ; but, what is much more to the purpose, it is a well known fact, that on the 15th and 19th of May, when Rodney brought the Count de Grasse to action, he showed no disposition to adopt Mr. Clerk's system, as he might have done, particularly on the latter day. ' I was extremely mortified,' says Clerk, ' that although on both occasions he met the enemy on contrary tacks, and from the leeward, he showed no intention whatever of attempting to cut asunder the enemy's line, or even of separating or cutting off a single ship from the rest of the line, although this could have been accomplished with the greatest ease.' What, then, is the conclusion to be drawn from the admiral's con-

* ' Your leading in the manner you did induced others to follow so bad an example ; and thereby forgetting that the signal for the line was only at *two cables' length distance* from each other, the van division was led by you to more than *two leagues distance* from the centre division,' &c.—*Naval Chron.*, vol. i. p. 382.

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duct on this occasion? Either that he was unacquainted with Mr. Clerk's 'system,' or that, being acquainted with, he did not as yet approve of it.

Many years after Sir George Rodney's return to England, (in June, 1789,) a copy of the first edition of Clerk's book (Jan. 1st, 1782), with marginal notes by Rodney, was sent by the Admiral to the late General Robert Clerk, who had asked his opinion on the 'Naval Tactics.' These 'Notes' are printed in their proper places, in the third edition of the 'Essay,' as is also a private 'Narrative' of his Lordship, written and transmitted to the General at the same time, containing his remarks on the battle of the 12th April, 1782. At this time, in 1789, Lord Rodney must have been fully aware of the point in dispute, and the claims set up by Clerk; yet, extraordinary as the fact may appear, neither in the 'Narrative' nor the 'Notes,' is there the slightest notice taken of the author or of his system, with the single exception of one note, which appears to have some bearing on the system, and is so remarkable in other respects, that we are induced to insert it.

'*Note by Lord Rodney.*—And it is well known, that attempting to bring to action the enemy, ship to ship, is contrary to common sense, and a proof that that Admiral is not an officer, whose duty is to take every advantage of an enemy, and to bring, if possible, the whole fleet under his command to attack half or part of that of the enemy, by which he will be sure of defeating the enemy, and taking the part attacked, and likewise defeating the other part by detail, unless they make a timely retreat. During all the commands Admiral Rodney has been entrusted with, he made it a rule *to bring his whole force against part of the enemy's*, and never was so absurd as to bring ship against ship, when the enemy gave him an opportunity of acting otherwise; and, as he told the King before any of his actions took place, that he would always take the lee-gage; first, because it prevented the enemy's retreat; secondly, because if any of his ships were disabled, by putting their helm a-weather the next ship closed the line, and secured the disabled ship.'

To which there is appended, by Clerk's editor,

'*Note by a Naval Officer.*—Yet Lord Rodney did not *act* in this way. On the 12th April, he gave up the lee-gage, and took the weather; and instead of doubling in and overpowering the rear, he followed the van.'—*Clerk's Naval Tactics*, p. 18.

Unquestionably he gave up the lee-gage, or he could not have cut the line; but the naval officer is not quite correct in saying that 'instead of doubling in and overpowering the rear, he followed the van,'—he *did* double in, and, to use his own words,

'the British admiral's ship, the Formidable, reached the enemy's fourth (*qy.* eighth ?) ship from their van, and began a very close action within half-musket-shot, and continued such action close along the

the enemy's line, under an easy sail, till an opening appeared at the third ship astern of the enemy's admiral, which gave an opportunity of breaking their line, and putting their rear in the utmost confusion; when six of their ships falling on board each other, in this condition the admiral and division attacked them, tore them to pieces, and the moment they had disengaged themselves, they bore away right before the wind.'—*Lord Rodney's Narrative. Essay*, p. 286.

We venture to say no one will readily believe that Lord Rodney was capable of annotating thus deliberately on Clerk's book in 1789, if he had been conscious of owing the great victory of 1782 to its suggestions, without manfully and distinctly expressing his sense of his obligations in some part of his comments. Indeed this, in our view, is the most serious part of the whole question. It goes to something more important than professional skill or genius—it touches the moral character of this great man.

We have now stated all the material points that bear on Mr. Clerk's claim; and we must confess, that the impression on our minds is, that it has not been substantiated. Had any copy of the work been in possession of the Admiral or Sir Charles Douglas, it must have been known and talked of before, and its merits, after the action, canvassed and compared with what took place in the battle. It does not appear that any such canvass or conversation did occur, either before or after. Sir Gilbert Blane, the intelligent physician of the fleet, the friend and medical adviser of Lord Rodney, has shown that an opportunity for discussing the question of breaking the enemy's line did present itself, and could hardly have been avoided, immediately before the battle commenced. He says—

'About half an hour before the engagement commenced, at breakfast, on board the Formidable, the company consisting of the Admiral, Sir Charles Douglas, captain of the fleet, Captain Simmons, commander of the ship, Lord Cranstoun, a volunteer post-captain, the Admiral's Secretary, and myself, the conversation naturally turned on the glorious prospect of the day; and Lord Cranstoun remarked, that if our fleet should maintain its present relative position, steering the same course, close hauled, on the opposite tack to the enemy, we must necessarily pass through their line in running along, and closing with it in action. The Admiral visibly caught the idea, and no doubt decided in his own mind, at that moment, to attempt a manœuvre hitherto unpractised in naval tactics.'—*Select Medical Dissertations*, p. 75.

It is hardly possible to imagine that Captain Lord Cranstoun's remark, that 'if our fleet should maintain its present relative position, steering the same course, close hauled, on the opposite tack to the enemy, we must necessarily *pass through their line* in running along,'—indeed it is hardly credible,—that such an observation

servation should not have brought to the immediate recollection of either Sir George Rodney, or Sir Charles Douglas, and drawn from them some remark on, Mr. Clerk's 'Tactics,' had either of them been in possession of the book, or had even ever heard of it. Sir Gilbert Blane is stout on this point; for he is the person, no doubt, on whose authority the following statement is made by Sir H. Douglas:—

'I have been assured by a distinguished and learned person, who was several years in Lord Rodney's flag ship, at the head of an important department, and who was present with him in six general engagements, including that of the 12th of April, 1782, that he never heard of Mr. Clerk, nor any mention of his work, till some time after the peace of 1783. This distinguished person was in habits of considerable intimacy with the Admiral and the Captain of the Fleet, and was present at many conversations between them on tactical subjects. His situation necessarily brought him much about the person and into the society of the Admiral; and it is scarcely possible to conceive that he could have remained ignorant of a matter of such interest and importance, as that which Mr. Clerk is asserted to have communicated.'—*Statement*, p. xxxi.

That the 'Admiral' should *visibly catch at the idea* is not at all improbable, having, as we have seen, once before intended to put it in practice; but that he should *decide*, in his own mind, at the moment, to attempt any such manœuvre, could hardly be the case, as he could not then, by any possibility, know whether circumstances would be favourable for putting in practice such an operation. Had he intended it then, or even after running down the French line as far as the centre, notice must necessarily have been given by signal, that the officers of the fleet might know how to act in concert. No such signal was ever given; and we adhere, therefore, to what we know to be a very general opinion, that the breaking of the line was the thought of the moment, partly occasioned by an opening in the enemy's line, but chiefly by a shift of the wind, favourable to the occasion, just as the Formidable was approaching to that opening, and indeed almost within the enemy's line before she was aware of it. It was at this critical moment that Rodney 'seized the opportunity of breaking their line, and putting their rear in the utmost confusion.' It may here be remarked, that when the Formidable, the Namur, and the Duke, had passed the line, no immediate signal was made to direct either the van or the rear how to act, from the want of which a plausible inference may be drawn, that Rodney was not prepared to carry Mr. Clerk's system into effect, nor, for the moment, how to reap the best advantage that it might afford. Indeed the author says, in his observations on this battle, that 'the rear division of the enemy, and not the van, ought to have been

been the object of pursuit;' and thinks that much more might have been done by following his suggestions.

Although, however, our decided opinion is that neither the admiral nor the captain of the fleet had any knowledge of Mr. Clerk's 'Tactics,' we think at the same time that that author might very naturally suppose the reverse. He places his system of tactics in the hands of a friend; that friend undertakes to put it in possession of Rodney, just when going to take the command of the West India fleet. Shortly after his arrival on the station, he engages the enemy, and directs, by signal, just what Clerk proposes. He fights a great and decisive battle, in which his own ship performs the manœuvre proposed by Clerk. Under such circumstances, any indifferent person, less sanguine than projectors generally are, would be apt to conclude that Rodney had really acted on the suggestions of the author. But whether he did so or not is of little importance as to the *merits* of the system; on the value of these it must stand or fall; all that it did for Rodney was to throw the whole French line, both van and rear, into confusion, and to bring on a running fight which lasted nine hours, namely from nine in the morning, when the line was cut through, till six in the evening. It has since been put in practice on several occasions, and with complete success. Of its efficacy, when proper opportunities present themselves, and the measure is executed with due precaution and judgment, no one will doubt, after the glorious results which followed its adoption in the battles of Camperdown, the Nile, and Trafalgar; and the author and his friends have had the satisfaction to know, that many of the ablest officers in the navy are convinced of its advantages, and are ready to acknowledge the obligations they owe to 'Clerk's Essay on Naval Tactics.' The only wonder is, that with this opinion and proof of its merits, so simple an operation should not have been discovered and practised generally a century before either Rodney or Clerk was born. It is only acting by sea, what Buonaparte did by land, whenever he could put it in practice.

And this brings back to our recollection some remarks we made a few years ago on the book in question, in our review of 'Dupin, on the Navy of England and France,' wherein we expressed an opinion that the manœuvre of breaking the line was not an original invention of Mr. Clerk, much less a 'magnificent invention,' as it had been styled in Scotland; but that it was taken, almost wholly, from a work by Le Père Paul Hoste, Jesuit, published nearly a century before Clerk wrote. Among other manœuvres described by this author is one entitled 'Traverser l'armée ennemie,' on which we noticed the advantages and disadvantages which the author states as likely to be the result of such an operation;

ration; that the latter may outweigh the former; that he calls it a hazardous manœuvre,—*extremement hardie et delicate*,—and one which ought only to be resorted to on particular occasions, and well considered by the Admiral in command. We have again compared the two systems of Père Hoste and Mr. Clerk; and, after a close examination, are ready to admit that our expression was too strong, and that it is very possible Clerk may have written his book without having ever seen the work of Père Hoste. We have reason, indeed, to believe, that few persons in England were acquainted with its existence till noticed in the *Quarterly Review;* and that in Edinburgh no such book was to be found, or had even been heard of. We are assured that, in point of fact, after our notice of it, some of the family of Clerk, curious to see the work, sent to Paris for a copy of it. It unquestionably by no means follows that because two persons hit upon the same idea, both of them should not be entitled to the merit of originality. No one will refuse that merit either to Cavendish, who discovered the composition of water by the union of two gases, or to Lavoisier, for his discovery of the decomposition of that element, both made at one and the same time, without communication. No one will deny to Savery the invention of the steam-engine, though he learned the expansive force of steam by condensation from the Marquis of Worcester's 'Century of Inventions.' The late Earl Stanhope, Miller of Dalswinton, and Fulton, were candidates for the honour of having first suggested the application of steam to navigation, and each of them may be entitled to the merit he claimed, though the first invention is due to Jonathan Hulls, to whom Geo. II. granted a patent in 1737; it is extremely likely that neither Stanhope, Fulton, nor Dalswinton, nor half a dozen persons perhaps in all England, knew any thing of Jonathan Hulls till he was mentioned in the *Quarterly Review*. In like manner, Mr. Clerk may be set down as the inventor of his system of naval tactics, notwithstanding the previous work on the same subject by Père Hoste, the Jesuit. It is very probable, nay, we think it may be assumed as certain, that he had never seen that book when his own was published; and it is clear that, however ignorant Rodney might be,—we think, we cannot doubt, *was*—of Clerk's theory when he fought the battle of April the 12th, the said theory had been matured in the author's mind long before that action occurred. The truth is, Mr. Clerk's merits cannot be touched by any part of this last controversy.

II. The materials are few, and those not of the most satisfactory kind, by which we must guide our decision as to the claim now preferred by Sir Howard Douglas, on behalf of his father; namely, 'that he was the original suggester of the decisive manœuvre

nœuvre of *breaking the line,* practised in the battle of the 12th of April,' which is supposed to have led to the victory. But his motives, or apology, for now advancing this claim we shall give in his own words:—

'The obligation to discharge this filial duty attached first to my elder brothers, who, being both in the naval service, were better qualified than I to execute such an undertaking, and who always intended to attempt it. But they have long since been removed from this world; and I am warned by time and the uncertainties of life, particularly to persons of my profession, that I ought no longer to delay the sacred duty—the filial obligation, which has now devolved upon me. There is, besides, a peculiar degree of fitness in my bringing the subject forward at this time. Though not belonging to the naval profession, I again venture to address its members on a professional subject. I assert, and, I trust, in a fair, liberal, and becoming manner, a parent's right to a high professional honour, which, though claimed in part by others, has been awarded exclusively to him by professional writers of the first distinction, upon the evidence of living witnesses; and I shall establish this by proof, such as no son, properly tenacious of his father's fame, could feel justified in withholding from the public, in such a case as this.'—*Statement*, pp. xvi., xvii.

The documents produced by Sir Howard Douglas, in support of a claim which his father appears not only never to have preferred, but to have indignantly rejected, we are free to confess, do not, according to our notions of evidence, amount to anything like 'proof' or even probability. He tells us that his father 'never could be prevailed upon to claim more than Sir George Rodney had publicly given him;' that 'he severely reprobated all assumptions, whether vain or just, of persons claimant of credit, which if not officially reported or acknowledged by the chief, should be deemed by the public to be derogatory to his honour;' that 'there are many persons still living who remember well the delicacy with which his father waived this subject, when pressed or complimented upon the question.—'He never, I repeat, asserted, or would accept, when complimented upon it, greater share in the honours of that day than had been publicly and officially given him; and I am sure his spirit would not approve of my reclaiming any of the laurels of that achievement from the tomb of his chief.' (p. lxi.)

We shall now produce the whole of the evidence advanced by Sir Howard in support of the claim thus rejected and disavowed by Sir Charles Douglas. It consists—first, of the following paragraph in Admiral Ekins' 'Naval Battles.'

'Of the character and talents of Sir Charles Douglas, then captain of the fleet, the service at large cannot be ignorant; yet it may not generally be known, that to him, by passing through the enemy's line, are

are we indebted for the fortunate result of that day. Lord Rodney had at first opposed it, by directing the helm to be put to starboard, when Sir C. Douglas had ordered it to be put "a-port;" and the master, seeing the inconvenience likely to arise from this difference of opinion, caused the helm to be kept amidships: soon after, Sir C. Douglas urging it a second time, the chief said, "Then do as you please." '—*Statement*, p. xlix.

This being mere assertion without authority, (though, we think, it will be seen presently whence it proceeds,) we may pass it over without further comment, as being of no weight whatever in the decision of the question at issue.

The next document, from the same work, is pretty much of the same description: it is from a naval officer, without name, and is as follows:—

'I doubt whether, on the 12th of April, the breaking of the line came within Rodney's plan of attack, or he never would have allowed his van to have run down to leeward of the enemy. I suspect it was change of wind, and the captain of the fleet, that caused the Formidable to do it.'—*Statement*, p. l.

This is followed by a letter of Sir James Saumarez, which, however, goes only to declare his conviction that neither the admiral nor his captain had any knowledge of Clerk's book, and which, therefore, we need not quote.

We next come to the only important documents of 'living witnesses,' which are the two following:—

'*Copy of a Letter from Captain Sir Charles Dashwood, K.C.B.* &c. &c.*

'*Torquay, July* 8, 1829.

'Dear Sir,—I am very much obliged for the trouble you have taken in forwarding me the various documents (which I herewith return) relative to the glorious battle of the 12th of April, because if I cannot throw any new light on this interesting subject, I can, at all events, corroborate the statement made by Admiral Ekins.†

'Whether Sir George Rodney, or Sir Charles Douglas, had any conversation with Mr. Clerk previous to their leaving England, relative to the practicability of breaking an enemy's line; or whether these great and gallant officers ever conversed or consulted together on such a subject, is impossible for me to say; but I think I can sufficiently prove, from circumstances that eventually occurred, and which came within my own knowledge, the absolute improbability of such a conversation having occurred with Mr. Clerk, or that the admiral and captain of the fleet had previously consulted together on the important subject; but that the idea emanated from the mind of your excellent father, in the hour of battle.

'I shall simply relate facts, to which I was an eye-witness, and can

* This officer has no British order; it appears, by the List of Naval Officers, that he has the Portuguese order of Grand Cross of the Tower and Sword.

† We should like to know *who* made the statement *to* Admiral Ekins?

vouch

vouch for their truth. Being one of the aide-de-camps to the commander-in-chief on that memorable day, it was my duty to attend both on him and the captain of the fleet, as occasion might require. It so happened, that some time after the battle had commenced, and whilst we were warmly engaged, I was standing near Sir Charles Douglas, who was leaning on the hammocks (which in those days were stowed across the fore part of the quarter deck), his head resting on one hand, and his eye occasionally glancing on the enemy's line, and apparently in deep meditation, as if some great event was crossing his mind: suddenly raising his head, and turning quickly round, he said, "Dash! where's Sir George?" "In the after-cabin, sir," I replied. He immediately went aft; I followed; and on meeting Sir George coming from the cabin close to the wheel, he took off his cocked hat with his right hand, holding his long spy-glass in his left, making a low and profound bow, said, "Sir George, I give you joy of the victory!" "Poh!" said the chief, as if half angry, "the day is not half won yet." "Break the line, Sir George!" said your father, "the day is your own, and I will insure you the victory." "No," said the admiral, "I will not break my line." After another request and another refusal, Sir Charles desired the helm to be put a-port; Sir George ordered it to starboard. On your father ordering it again to port, the admiral sternly said, "Remember, Sir Charles, that I am commander-in-chief —starboard, sir," addressing the master, who, during this controversy, had placed the helm amidships. Both the admiral and captain then separated; the former going aft, and the latter forward. In the course of a couple of minutes or so, each turned and again met nearly on the same spot, when Sir Charles quietly and coolly again addressed the chief—"Only break the line, Sir George, and the day is your own." The admiral then said, in a quick and hurried way, "Well, well, do as you like;" and immediately turned round and walked into the after cabin. The words "Port the helm!" were scarcely uttered, when Sir Charles ordered me down with directions to commence firing on the larboard side. On my return to the quarter deck, I found the Formidable passing between two French ships, each nearly touching us. We were followed by the Namur, and the rest of the ships astern; and from that moment the victory was decided in our favour.

'You may naturally suppose I was very young at the time; but the circumstances made such an impression on my mind, that they are as fresh in my memory as if it occurred but yesterday; and I much doubt if there is a man now living who saw and heard so much of the transaction as myself, except, probably, my friend Sir Joseph Yorke, who was also a brother aide-de-camp.

'Having thus stated mere matters of fact just as they occurred, and within my own knowledge, I leave any man to draw what inference he pleases; but I would ask him, supposing the admiral had had such a conversation, either jointly or separately with Mr. Clerk, previous to their leaving England, or that these great and gallant officers had ever consulted together on the subject of breaking the enemy's line, would

would such a difference of opinion have existed, or such a kind of controversy, as I have related, have taken place? I say, no. I am most clearly convinced, and my mind most thoroughly satisfied, that the idea of breaking the line never entered into the imagination of even your gallant father, till the moment of his leaning on the hammocks, and looking towards the enemy's ships. His deep thought at that instant—his sudden raising his head from his hand, as if he had just then settled something in his mind—the quick way of his turning round, and the anxious look he gave when he said, "Dash, where's Sir George?"—all convince me that the idea of breaking the line first entered his mind at that moment, and that he seized it with avidity.

'I think I have sufficiently shown, to the satisfaction of every impartial man, the great probability, if not *absolute certainty*, that the idea rose in the mind of your excellent father at the very time I have pointed out; and that this great event decided the battle is beyond doubt. This is my firm opinion; I have held it for seven and forty years, and I shall continue in the same sentiments to the last moment of my existence.

'I had the good fortune to be much noticed by the captain of the fleet, daily and hourly in his cabin, and my time was much occupied in copying various documents; amongst them was a "Comparative Statement of the Force of the French and English Fleets, showing the Weight of Metal and Shot thrown in a Broadside from each." If, peradventure, you could find such a document amongst your father's papers, I shall be thankful for a copy. I am sure I wrote some hundreds, and kept one myself, but it has disappeared in the lapse of time.

'I shall feel great satisfaction in giving the son of so good and so great a man any further information in my power.

'I have the honour to be, with great esteem,
Your very obliged and devoted humble servant,
CH. DASHWOOD, Capt. R.N.'

This is followed by—

'*Extract of a Letter from an Officer of the Formidable (now a Flag-Officer*), dated Formidable, just now chasing the French Fleet, 13th April, 1782.*

'About —— minutes past seven o'clock yesterday morning, our van ships began firing; but the enemy had the weather-gage. The Formidable was in the centre of our fleet, and the Duke ahead of us, the Namur astern. The Duke went to leeward, as the rest of the headmost ships did; but the Formidable cut through the French line, and Sir Samuel Hood, who was in the rear, when he saw the bow of the *Formidable* open through the French line, gave three cheers, and said the day was ours.'—*Statement*, pp. 56, 57.

And again from the same officer—

'*Notes written at the time, by an Officer, (now a Flag-Officer*,) who served in the Formidable in the Battle of the 12th of April.*

'About six o'clock on the morning of the 12th of April, 1782, Sir

* Vice-Admiral Sir Joseph Sydney Yorke, K.C.B.

Charles Douglas went into Lord Rodney's cabin, who was then abed, and told him that Providence had given him the French fleet on his lee-bow, on which the admiral got up, and gave his general orders to prepare for battle. At half-past seven the engagement began. At eleven A. M. there appeared an opening sufficient for our ships to divide the French line. Sir Charles observed to the admiral, that there was now a fine opportunity for severing the rear and half the centre from the Ville-de-Paris; to which Lord Rodney replied, that it was a very hazardous experiment. Sir Charles said, the more danger the more glory, if it succeeded, which he doubted not it would. But the admiral still objected, and called out to the helm, (for we were then, as the wind favoured us, luffing up,) No nearer! Sir Charles maintained his opinion, and again called out to the helm to "luff."

'The Formidable *then pushed through the line*, amidst the *shouts* and *applauses* of our fleet, and by this *gallant manœuvre fixed the fortune of the day.*'—*Statement*, pp. 57, 58.

Such is the whole of the evidence of living witnesses, produced by Sir Howard Douglas.

Under all circumstances, we cannot but consider Sir Charles Dashwood's letter as a most extraordinary production, and not a very discreet one; and as, in point of fact, it may be said to constitute nearly the whole of the evidence, we shall be obliged to go into some detail in our examination of it. When called upon to exercise our judgment as to the accuracy of any narrative of transactions, and more particularly of conversations, the degree of credibility to be given to it will depend mainly on the character and qualifications of the narrator, the distance of time that has elapsed, and the practical and moral probability of the facts themselves. Of Sir Charles Dashwood, we must disavow all knowledge, except that he stands high on the list of captains of the navy; and that, at sixty years of age, he has detailed, with circumstantial minuteness, a transaction and a conversation stated to have taken place seven and forty years before, and at a time when he was just thirteen years of age. In the strictures, therefore, which we feel ourselves called upon to make on the letter of Sir Charles Dashwood, we beg it may be distinctly understood that we have no intention whatever to impeach the veracity of the writer, or to call in question his own belief in what he has so circumstantially stated—both of which we utterly disclaim—but we must be permitted, at the same time, to question the accuracy of his memory; and the grounds for doing so we shall proceed to state.

We may pass over, for the present, the opening scene of the drama, where Captain Douglas is represented as leaning on the hammocks, his head resting on one hand, his eye glancing on the enemy's line, in deep meditation—in the midst, be it observed, of a tremendous cannonading from both lines—in fact, at the hottest period

period of the battle—while the admiral is off the deck, in the after cabin. Leave we also, for the present, the extraordinary scene after this at the wheel—the cocked hat so gracefully taken off with the right hand—the long spy-glass poised in the left—the profound bow—the vehement altercation—the astonished master—and the pacing of the quarter-deck;—all exhibited while the cannons are roaring from the 'thundering starboard' and the ship enveloped in a cloud of smoke:—leave we all this for the present, and proceed to describe the position of the Formidable at the time. To ascertain this, we must also enter somewhat minutely into the circumstances that occasioned, as we hope to shew, the manœuvre of 'passing through the enemy's line.' In a private letter of Sir Charles Douglas, written, as he says, 'by desire of Sir George Rodney, and his own inclination,' to a mutual friend, giving a short account of 'the glorious and decisive victory,' and dated Formidable, 14th April, 1782,—after stating that 'the ships composing his Majesty's line of battle, being drawn up in close, impenetrable order, at the distance of the length of *one cable* from one another,' were 'sliding down slowly and closely under the lee of the enemy's line,' he thus continues:—

'In stemming towards them, the commander in chief was fired upon by the eighth or ninth of Mons. de Grasse's line, but did not return it, the distance being too great, but began with the next, and, by giving some *little elevation to his guns*, to good effect—still standing on in a straight line, with a full sail, and *angling in* upon the enemy, *in order to penetrate his line of battle:* which, under favour of the vigorous impression Rear-admiral Drake had made, the smoke and most dreadful fire of the Duke, our immediate second a-head, the Formidable keeping up a most insupportable and a well-directed fire, was *happily effected;* between the second and third ships astern of the Ville de Paris was the point of incision, the almost silenced first and second having passed our thundering starboard side, almost in *contact* therewith, about a *ship's breadth* from us.'—*Naval Chron.* vol. ii. p. 425.

This extract is important, inasmuch as it proves Sir C. Dashwood to be mistaken in saying that 'the idea of breaking the line first entered Sir Charles Douglas's mind at the moment of his *leaning on the hammocks*, and looking towards the 'enemy's ships;' it further proves that he is mistaken in saying that the admiral was in the after-cabin at that critical moment, for he was giving orders on deck to elevate the guns; *his* guns—*before* the Formidable approached the 'opening,' and we shall also show that he was on deck when she passed *through* the 'opening.' It proves, also, in our estimation, that the manœuvre was not *entirely* accidental, as is generally supposed, but that, when a shift of wind enabled the Formidable to *angle in* upon

the enemy, she did so, not merely to get closer to her opponents, but *in order to penetrate his line of battle.* Now when any measure is taken *in order* to accomplish a particular purpose, that purpose must have been preconceived and premeditated. The accident was the shifting of the wind, which occurred before any *opening* was perceived. The change of wind allowed the Formidable to luff up, till, as Sir George Rodney states, she was 'within half musket shot.' This position of the flag-ship, and the disabled state of the French ship Glorieux, (close under the lee of which the flag-ship passed,) forced the two headmost ships of the enemy's van to bear up, so that the Formidable was actually within them, and close to the dismasted Glorieux, almost instantaneously; and this will explain why no previous signal was thrown out, to signify the admiral's intention of passing through the line. It is in truth great nonsense to talk of *intention*, when circumstances are constantly changing, and the enemy's fleet is under sail; in such cases, the movements of the attacking squadron must, in a great degree, be governed by those of the enemy.

It would be singular indeed if, while all this was going on—while the Formidable was 'keeping up a most insupportable fire' from her 'thundering starboard'—either Sir George Rodney should have remained quietly in the after-cabin *, or Capt. Douglas continued 'leaning on the hammocks, in deep meditation, with his head resting on one hand, and his eye *occasionally* (that is from time to time, and of course during some considerable time) glancing on the enemy's line.' What he saw, that so suddenly aroused him, we are not told, but it could only have been the 'opening,' which Sir Howard says (p. xli.) 'my father observed between the third and fourth ship, astern of the Ville de Paris;' for what with the hammocks in front of the quarter-deck, and the hammocks on the starboard bulwark, Sir Charles could see nothing whatever but what was directly abreast the gangway; and even in that direction we may reasonably doubt whether he could distinguish either ship or opening, on account of the smoke, being close to leeward of the enemy's fire; indeed we find in the journal of Capt. Fanshaw, of the Namur, that just at this time 'the centre ceased firing, not being able to see round us for smoke.' The Formidable, however, we may conclude, as we shall presently show more

* Persons not much versed in maritime matters might suppose that the alleged going into the after-cabin was to avoid danger, and for the sake of security; it is, in fact, a less secure place than the quarter-deck, owing to splinters from the lining, furniture, &c. In the case of Rodney, who had just recovered from a fit of the gout, and was not in a state to mount the temporary ladder to the poop, the stern-gallery leading from the after-cabin was the place from which he could observe best the movements of full one half of his own and the enemy's fleets; but our readers will find by-and-by that the admiral was *not* in the cabin at all *at the time mentioned by Sir C. Dashwood.*

distinctly,

distinctly, was at that moment abreast of the critical spot which was to decide the fate of the day. It is not easy, from such jarring and contradictory materials as the ships' logs are, in time of battle, at least those that we have seen, to ascertain the precise *rate* at which the two fleets were passing each other; but the conclusion we have come to, by comparing them together, warrants us in stating it at somewhere about ninety yards per minute, or three miles an hour. The distance of one ship in the line from another being a cable's length, we may take the length of each ship, and the intermediate space or opening between it and the next, somewhere about three hundred yards.* Now, if we allow one minute, or one and a half, from the moment when Capt. Douglas was aroused from his 'deep meditation,' and uttered the sudden exclamation of 'Dash! where is Sir George?' to the conclusion of the altercation that followed, and add them to the 'couple of minutes or so' that were occupied in pacing the deck to and fro, something in the manner of Sir Peter and Lady Teazle on the stage, and in shifting the helm from midships to port, we shall have, at the very *least*, a consumption of three minutes and a half. It may be right, therefore, to inquire what the Formidable was doing all this time? She could not remain stationary before the 'opening;' and, with her helm amidships, we imagine she would no longer *angle in*, but probably *draw off* a little, and run straight down parallel to the French line, for three hundred yards, in which case she must not only have passed the 'opening,' but got between the first and second ship, or rather abreast of the second ship, from the van of the enemy's rear division; in which position she must, like the Duke, have gone to leeward of the headmost ships of the enemy's rear, and nothing decisive would have been done on that day. But no such thing happened; on the contrary, she actually passed on the weather-side of the

* This rate of the ships of the two fleets passing each other we obtain thus: In the log of the Anson we find it stated that 'at 40 minutes past 7 we began to fire at the enemy; the first ship we engaged was the twenty-fourth ship from the enemy's rear. At 9, having passed all the French line, we ceased firing.' Now, twenty-four ships in eighty minutes give 3·4 minutes for passing each ship; which comes very near the result of what is stated in the log of the Formidable,—'at 8 minutes past 8 we began to engage—5 minutes (should be 9h. 5m.), stopt our firing, having cut through the enemy's line.' According to Sir Gilbert Blane the Formidable received the fire of sixteen ships, that is, they commenced the 9th. from the van, (Sir C. Douglas says, 8th. or 9th.) Now, sixteen ships in fifty-seven minutes give 3·5 minutes in passing each ship. The ships engaged at cable's length asunder—that is, from one hundred to one hundred and twenty fathoms—and adding to this the ship's length, we may assume the space occupied by each ship, and the intermediate space, at three hundred yards; we shall then have from the *data* in the Anson's log the rate at which the two lines passed each other, namely about three miles an hour, or a little more than three hundred yards in three-and-a-half minutes, or ninety yards in a minute. The log of the Formidable will give not quite three miles an hour, or about two hundred and ninety-four yards in three and-a-half minutes, or eighty-four yards per minute.

first

first 'opening,' close to the Glorieux. In breaking the line, says Sir Gilbert Blane, 'the Formidable passed so near the Glorieux, that I could see the cannoneers throwing away their sponges and handspikes, in order to save themselves by running below, while our guns were served with the utmost animation.'

It may be urged that Mr. Yorke's 'Notes at the time,' and the 'Extract of his Letter,' written the following day, tend to support at least one part of the statement of Sir Charles Dashwood. In the second of these, this young gentleman says, 'At eleven A.M. there appeared an opening sufficient for our ships to divide the French line.' Here he has committed a mistake of at least *two hours*, as to the *time* when this important event took place. It could not have been at *eleven* that 'Sir Charles observed to the admiral, there was *now* a fine opportunity for severing the rear and half the centre from the Ville de Paris;' it had been done full two hours before. The admiral, however, be the hour what it might, could not, according to Mr. Yorke's 'Notes,' have been in the after-cabin when the event actually took place—it is certain that he was then on his quarter-deck.

We can well imagine, however, that while the Formidable was *angling in* towards the enemy, some conversation may have passed between the admiral and Sir Charles, on the opportunity which a shift of wind was giving them, and it would be nothing out of character even if the latter should have *suggested* the measure to the former: so far, indeed, from this being inconsistent with his situation, it was a part of his duty, as directed by his instructions, 'to assist the commander-in-chief in the various details and arrangements for the management of the fleet, and for maintaining it in the most efficient state possible.'

When the ardour and enthusiasm of the day, created by the 'shouts and applauses,' which were loud enough to silence the 'cannons' roar,' had subsided, and the judgment become more cool, the 'Extract of the letter,' written on the following day, by the same young midshipman, contains nothing but the simple fact, that 'the Formidable cut through the French line,' except, what we can scarcely imagine to have been a fact, that Sir Samuel Hood *saw* the *bow* of the Formidable open through the French line, and 'gave three cheers.' The Barfleur, Hood's vessel, was the *thirteenth* ship in the rear of the Formidable, three thousand nine hundred yards, or two miles and a quarter nearly, distant: they must then have been tremendous cheers to be heard by the latter ship. The former might, perhaps, if the smoke would let her, have seen the *stern* of the Formidable; though even this was a long sight, when we consider that the very next ship to the admiral's 'ceased firing, not being able to see round them for smoke;' and that Sir James Saumarez,

who

who commanded the Russell, which was the *seventh* ship from the Formidable, or little more than half the distance of the Barfleur, says that he could not see the Formidable when she went through the line. We merely notice these slips as showing that boys of thirteen cannot be expected to note down with precision what is passing around them, especially in the hurry, and bustle, and confusion, the noise and smoke, with which they are surrounded in time of battle. If Mr. Yorke, who wrote his 'Notes' at the time, could be mistaken on some points, how much more liable to such mistakes must Sir C. Dashwood be, who writes seven and forty years after the event? The one refers to his 'Notes,' the other appeals to his 'memory;' and this circumstance of itself will account for the little agreement there is between the two statements of the two midshipmen aides-de-camp, who, being on the same quarter-deck, saw and heard, or might have seen and heard, the same things and the same conversation, and yet report them differently.

But we have not yet done with Sir Charles Dashwood's letter. The improbability of the transaction, taken literally, as stated in that letter, must, we think, be obvious to every one; but if for a moment we suppose it actually to have happened, what are we to think as to the moral nature of that most extraordinary altercation, which it reports to have occurred on the quarter-deck of one of his majesty's ships, bearing the flag of the commander-in-chief?—an altercation that terminated in a way which must have had the effect of sinking Sir George Rodney into utter disgrace in the eyes of the whole ship's company? What! is it possible that a brave and high-minded admiral, who had so often distinguished himself in presence of the enemy, should, on so momentous an occasion, have submitted to the humiliation of being forced, as it were, to the base compliance of giving up the command of the ship in which his flag was flying, in the very hottest moment of the battle, to an inferior officer?—that very officer who, forgetting his station, had not only disobeyed his orders, but dictated other orders, in direct contradiction to those of his admiral? Could he so easily consent, after declaring, as is stated by Mr. Yorke, that the 'experiment was a hazardous one,' to waive his own judgment, and risk, according to that judgment, the loss of his whole fleet? It cannot be—such an idea involves a moral impossibility. Let us only for a moment imagine what a scene must have been exhibited to the bye-standers on the quarter-deck. 'Break the line, Sir George!' 'No, I will not break my line!' 'Break the line, Sir George!' 'No!' 'Put the helm a-port,' said Sir Charles. 'Put the helm a-starboard,' said Sir George. 'Put the helm a-port,' said Sir Charles, a second time; on which the admiral sternly said, as well,

well, indeed, he might, 'Remember, Sir Charles, that I am commander-in-chief—starboard, sir;' addressing the master, who, during this strange altercation, not knowing what to do, had kept the hélm a-midships; and here, odd enough, it appears to have remained 'for a couple of minutes or so,' or probably, as we have endeavoured to show, three minutes and a half, while the two disputants separated, walking the quarter-deck in contrary directions, until, meeting again, Sir Charles says, 'quietly and coolly,' 'Only break the line, Sir George, and the day is your own'—whereupon the admiral, in a quick and hurried way, says, 'Well, well, do as you like;' and immediately turns round and walks into the after-cabin—we suppose, to give vent to his wounded feelings, and weep over his lost reputation. Whether he remained there the whole nine subsequent hours which the chace and the fight occupied, we are not told; nor, if that was not so, at what period he again appeared on the quarter-deck. The termination of this extraordinary scene is given by Sir Howard Douglas, but on what authority he does not inform us; but 'it terminated,' he says, 'most satisfactorily to my father, as was evinced to all on the quarter-deck of the Formidable, by the air and tone of exulting confidence with which he turned and gave directions for the Formidable to luff, and stand through the enemy's line, and for the stern ships to follow.'—*Statement*, p. 43.

If this be not superseding Rodney in his command, we know not what it is to be superseded. But we repeat, that conduct like this, on the part either of Rodney or of Douglas, is, in our opinion, morally impossible. The high sense of the honour and the importance of his command would have weighed with the one, and a sense of duty and obedience with the other. Had such a scene, as is stated in the letter, taken place on the quarter-deck of the flag-ship, before every body there, it must have been talked of and canvassed in every ward-room and every cockpit throughout the fleet. Letters would have poured into England by every ship, and been published in every newspaper and magazine of London; instead of which, we believe we may assert, that not a syllable ever transpired, either in conversation in the fleet or out of it, or through the press, down to this hour, of any such altercation as that which is so circumstantially and dramatically detailed in the letter of Sir C. Dashwood. Besides, those who knew Rodney say, that he was the last man to have thus succumbed, and submitted to such degradation; and much as we think him injured by the party, who so hastily and unjustly recalled him before they knew of his victory, we should say that, under the circumstances stated in the letter, instead of the thanks of parliament, the pension and the peerage which he ultimately did obtain, he ought to have been

been tried by a court-martial, and dismissed, as he undoubtedly would have been, from his Majesty's naval service.

It may be satisfactory, however, to the friends of this gallant admiral to know, that there is, as we have already hinted, good and substantial testimony to prove that he did *not* 'turn round and walk into the after-cabin,' but that he was on the quarter-deck, both before, and after, and at the time, that the Formidable cut through the French line.

Some eight years ago, Sir Gilbert Blane published a book on medical subjects, in which the campaign of 1782 furnished him with many observations, illustrative of the importance and influence of the study of health. In this book, he gives an account of that interesting part of the battle when the French line was crossed. Sir Gilbert was on deck at the time, by the side of his friend Sir George Rodney. His testimony, thus incidentally introduced, cannot be called in question; it was written with no relation to any disputed point, nor with any party feeling. After noticing the general blaze of flame and peals of thunder along both lines, till the Formidable broke through that of the enemy, he proceeds thus:—

'In the act of doing so, we passed within pistol-shot of the Glorieux, of seventy-four guns, which was so roughly handled, that, being shorn of all her masts, bowsprit, and ensign-staff, but with the white flag nailed to the stump of one of the masts, breathing defiance, as it were, in her last moments, became a motionless hulk, presenting a spectacle *which struck our admiral's fancy* as not unlike the remains of a fallen hero; for, being an indefatigable reader of Homer, *he exclaimed*, "that now was to be the contest for the body of Patroclus!" But the contest was already at an end; for the enemy's fleet, being separated, fell into confusion, a total rout ensued, and victory was no longer doubtful.'—*Select Dissertations*, &c., p. 75.

Now, we would ask, does this description of the admiral's conduct look like that of a man who, but a moment before, had walked into the after-cabin, after being so worried, agitated, and irritated as to have thrown up the command of his ship to an inferior officer? Does it not appear, on the contrary, that he was cool, collected, and even playful, as we should have expected a Rodney to be, amidst 'a blaze of flame and peals of thunder'? But we have not done yet. We happen to have in our possession a letter on professional subjects by the same intelligent writer, written a few months ago, to which the following postscript is appended.

'P.S.—Tuesday morning. More last words. The P.S. is in danger of becoming, like that of the ladies, the most important part of the letter. It was begun several days ago; and I have, since then, seen the advertisement of the second edition of my friend Sir Howard Douglas's

Douglas's Treatise on Gunnery, in which he is said to bear hard on the merits of Lord Rodney. I know Sir Howard to be a gentleman of the purest honour, and that he is quite incapable of advancing any thing but what he believes to be perfectly consistent with truth; and I am sure he will not go the length of those who have propagated the belief that Lord R. was not on the quarter-deck during the whole action, but that he was shut up in a box in the hold, or somewhere else out of harm's way. In proof of this, take the following little anecdote. At the hottest part of the battle, he was not only on the quarter-deck, but on the foremost part of it; for, not being able to have a clear view of the enemy's line over the gunwale, barricaded as it was with hammocks, he advanced to the starboard gangway, where he had a clear view, and then, turning round, and not finding any of his aides-de camp at hand at that moment, and no time being to be lost, (for in a few minutes we must have been alongside, or rather close on the quarter of the Glorieux, the ship astern of which the line was broke,) he gave me orders to go to the lower gun-deck with his orders to *raise their metal*—a phrase new to me, and which I might have been dull enough not to understand, had I not caught its meaning from having fresh in my mind the following couplet of Hudibras, (a work in which Voltaire says there is more wit than any in existence):—

'Thus cannons shoot the higher pitches,
The lower you let down their breeches.'

And if this is true, so must the converse be; so that the drift of the admiral's orders was no other than to take the poor devils between wind and water. On my return from below, I was just in time to witness what you see in print at p. 75 (already quoted), where I have omitted this incident, thinking it not much in character for me to be there at all; but I cannot now resist the narrative *pruritus* of old age in communicating it to you as a little gossip.'

There is no lack of memory here—no mark of senility—no appearance of the 'narrative *pruritus* of old age' in this statement, which carries a conviction of its truth along with it. We find no walking into the after-cabin here; here we have the admiral, *in propria persona*, on the quarter-deck and at the gangway, eagerly, attentively, and minutely inspecting and watching what was going on. He directed the writer to go down with his orders to the lower gun-deck *to raise their metal*, which metal, by the way, had been given '*some little elevation*' in running down the line, on account of the distance, as mentioned in Sir Charles Douglas's private letter; and Sir George saw it was now necessary to raise the breeches of the guns, in order to depress the muzzles, and 'take the poor devils between wind and water;' and all this was going on just at the time when the Formidable was approaching the Glorieux, and just at the precise moment when Sir C. Dashwood's extraordinary drama is stated to have been exhibited

exhibited on the quarter-deck. But the curious part of this exhibition is, that at this critical and eventful moment neither of the Admiral's aides-de-camp was, *de facto*, at hand; where *one* of them was, Sir C. Dashwood himself tells us. 'The words, "port the helm," were scarcely uttered,' says he, 'when Sir Charles Douglas ordered me down with directions to commence firing on the larboard side. On my return to the quarter-deck, I found the Formidable passing between two French ships, each nearly touching us.' Thus does this little incidental mention by Sir Gilbert, of the absence of the aides-de-camps, most strongly corroborate the fact, that, at the very moment of the Admiral's alleged retirement in the cabin, he was actually giving orders on the quarter-deck, and that neither Mr. Dashwood nor Mr. Yorke was there. Clearly and satisfactorily then has it been proved, that Rodney *was* on the quarter-deck *before*, *during*, and *after* the Formidable passed through the enemy's line.

If it be asked, as we believe it has been, what Dr. Blane was doing on the quarter-deck, he has himself already answered that question. 'Having but little knowledge and no practice in surgery, and as there was the full complement of medical officers on board, I requested the admiral's leave to absent myself from the quarters assigned me, and to remain with him on the quarter-deck during the action.'

We may here introduce a passage in 'Cumberland's Memoirs,' which Sir Howard Douglas has probably never met with, and which, if Cumberland's memory did not also deceive him, when full of years, though 'still in possession of his faculties,' would alone be decisive of the question between Rodney and Douglas, as to the measure of breaking the line, if no other testimony were to be had.

'My friend Sir Charles Douglas, captain of the fleet, confessed to me that he himself had been adverse to the experiment, and in discussing it with the admiral had stated his objections; to these he got no other answer but that "his counsel was not called for; he required obedience only, he did not want advice." Sir Charles also told me, that whilst the project was in operation, (the battle then raging,) his own attention being occupied by the gallant defence made by the French Glorieux against the ships that were pouring their fire into her, upon his crying out, "Behold, Sir George, the Greeks and Trojans contending for the body of Patroclus!" the admiral, then pacing the quarter-deck in great agitation, pending the experiment of his manœuvre, (which in the instance of one ship had unavoidably miscarried,) peevishly exclaimed, "Damn the Greeks and damn the Trojans; I have other things to think of." When in a few minutes after, his supporting ship having led through the French line in a gallant style, turning with a smile of joy to Sir Charles Douglas, he cried out, "Now, my dear friend, I am at the service of your Greeks and

and Trojans, and the whole of Homer's Iliad, or as much of it as you please, for the enemy is in confusion, and our victory is secure." This anecdote, correctly as I relate it, I had from that gallant officer, untimely lost to his country, whose candour scorned to rob his admiral of one leaf of his laurels, and who, disclaiming all share in the manœuvre,—nay, confessing he had objected to it, did in the most pointed and decided terms again and again repeat his honourable attestations of the courage and conduct of his commanding officer on that memorable day.'—p. 409—411.

Singularly enough, we have here a second edition of the contest for the body of Patroclus: the disputants, however, being changed. We incline to think that Sir Gilbert has the better of the contest: he was on the spot, and by the side of the admiral; Cumberland writes from memory, many years after his conversation with Sir Charles; and 'memoriæ *nulla fides*.' However, the drama is well got up, and the characters in better keeping; the action appropriate, full of animation and bustle, so well suited to the occasion, and very unlike that calm repose in the contemporaneous scene we have already given, from another hand, of the 'deep meditation on the hammocks' and the retirement in the 'after-cabin.' Disagreeing, as the statements of Blane and Cumberland do, as to the arrangement of the characters in the *dramatis personæ*, their very difference proves the correctness of the fact, that the approximation to the Glorieux was the point of time;—that Homer was put in requisition;—that *Rodney* bore his part in the dialogue, and that he was not only on the quarter-deck, but full of vigour and activity. The disclaimer of Sir Charles Douglas 'of all share in the manœuvre' is repeated, in terms equally strong, in the 'Supplement to Cumberland's Memoirs.'

'My friend Sir Charles Douglas, upon his return to England, told me that the merit of cutting the French line rested entirely with his admiral, and that his own opinion even went against it. In my assertion of this fact, I am strictly correct.'—vol. ii. p. 375.

It is, we confess, almost impossible to believe that, however his memory may have slipped as to a minor and unimportant particular, Mr. Cumberland should have forgotten the bearing of his friend Douglas's statement as to the great question about the proposal to break De Grasse's line; the old literateur solemnly attests the accuracy of his recollection on *that* point,—he could have had no motive to mis-state anything on this business,—and indeed he was utterly incapable of wilfully so doing under any circumstances. He was a vain man, but he was every inch a gentleman notwithstanding. We feel quite convinced that if Sir H. Douglas had met with these passages in Cumberland's book, there would have been no occasion for this article.

Having

Having now gone through and, as we think, demolished the whole of the borrowed evidence brought forward by Sir Howard Douglas, very little more remains to be said; for, however remarkable it may appear, there is not one tittle of evidence in the possession of Sir Howard beyond what we have stated, that goes directly to the point in question. In fact, he brings forward but one single letter of his father (that from which we have already quoted), and this letter goes only to establish the fact, that no communication of Clerk's Essay was ever made to him. But the concluding paragraph of this letter is supposed to bear on the question of breaking the line, and much stress is laid on it, as corroborative of the 'other testimony' we have gone through, and on which Sir Howard Douglas 'claims for his father's memory what he never could be prevailed upon to claim publicly for himself.' The paragraph is as follows:—'He it is in whose mind the ideas rise with the occasion, and who seizes the decisive moment when it presents itself, that gains a decisive victory.' What *preceded* this paragraph Sir Howard does not inform us; but in its present naked state, it may be considered as neither more nor less than a mere aphorism, or abstract maxim, which may apply to every body, and to any body—to Rodney just as well as to Douglas; rather, we should say, to the former,—otherwise, how does Sir Howard Douglas reconcile the inconsistency so apparent with the whole tenour of his father's conduct and conversation, as stated by himself, if Sir Charles meant the above maxim as applicable to himself, who had, on all occasions, so strenuously and invariably persisted in denying even a participation in the event to which it is supposed to allude? Sir Howard offers to show the letter to any person desirous of perusing it: then why not have printed it? It would then be seen by the context whether the general aphorism above quoted was meant to be applied to any particular individual, and to whom. Sir Howard, however, is pleased to apply it to his father; and to assume, as a certainty, that it was meant it should be so applied. 'Sir Charles Douglas,' he observes, 'on this great primary occasion, saw, instinctively, the opportunity,—"the idea rose with the occasion,"—and the daring principle of action was instantly applied.' That the idea rose with the occasion; that the operation of breaking the enemy's line was not predetermined, and perhaps not premeditated; that no preconcerted plan of such a manœuvre had ever been discussed, we conceive must be obvious to all; and that the operation of cutting through the line was a contingency, arising out of a shift of wind at the moment, when the dismasted ship Glorieux occasioned the two headmost ships of the enemy's rear, next to her, to bear up a little, and thus make the 'opening;' and by which a conviction

tion must have flashed on the minds of both the admiral and the captain of the fleet, at the same moment, that a most decided advantage might be taken of it; and we think it is obvious enough, as we have already said, that some short conversation would necessarily ensue as to the best mode of profiting by that contingency. It must be recollected that it was 'at the hottest part of the battle' when this opening was discovered, and when the Formidable was within 'half-musket shot' of the enemy's line. It was therefore amidst the incessant roar of the cannon that this conversation must have taken place, and might very well have been mistaken by the youthful bystanders, who alone are the reporters of it; but that Sir George Rodney was not unprepared for such a mode of attack must be quite obvious, from his having, two years before, when he engaged the French fleet off Martinico, stated in his official letter, that he 'gave notice, by public signal, that his intention was to attack the enemy's rear with his whole force.' That same 'idea must have risen' on the present 'occasion;' and, on suggesting it, he might have observed to his captain, as Mr. Yorke says he did, that it was nevertheless 'a hazardous experiment;' in this he would only agree with Le Père Paul Hoste. All we contend for is, that the extract which Sir Howard has produced tells more for Sir George Rodney than for Sir Charles Douglas; for we cannot persuade ourselves, from the unassuming character of Sir Charles, that he would have thus alluded to himself, as being the author of 'the decisive victory,' which he on all other occasions indignantly disavowed.

In conclusion, we cannot at all agree with Sir Howard Douglas, that there existed the least call upon him to guard the fame, either of his father or of Lord Rodney, by impugning or disproving the assertion made by Professor Playfair, some eight or ten years ago, that Clerk's system of naval tactics had suggested the most remarkable feature in the battle against De Grasse. We think it clear enough, that neither Rodney nor Douglas had heard of Clerk's views at that period. But if this had been otherwise—what then? What honour, we would ask, has Lord Duncan lost by publicly avowing, as it is certain he always did, that he followed Clerk's suggestions in the battle of Camperdown?

Sir Charles Douglas's character and reputation as a gallant, highminded, intelligent, and skilful officer, has been too well established in the naval service, to be in the slightest degree affected by what the indiscreet friends of Mr. Clerk may have said, (and they have said nothing that we know of in his dishonour,) in support of a system which must be allowed by all to have great merit, and to be a very wonderful performance for a landsman to have accomplished. Rodney was ever ready to speak of him in the highest

highest terms of praise. 'My own captain, Sir Charles Douglas,' says the admiral in his public despatch, 'merits everything I can possibly say; his unremitted diligence and activity greatly eased me in the unavoidable fatigue of the day.' He was also included, by name, though but a captain, in the vote of thanks of the two houses of parliament. In short, we believe Sir Charles Douglas to have been, as he is characterized by a brother officer in Charnock's *Biographia Navalis*,' a very good, a very brave, and a very honest man.'

As to Lord Rodney, the reputation of such a man is public property, and as such will not want abler defenders than ourselves, who have taken up the case solely on this ground. His family, we think, may, in the meantime, rest satisfied that some better proof must be adduced, before such statements as those now brought forward by Sir Howard Douglas will affix any stain to the character of so brave and distinguished an officer, who fought four general actions as commander-in-chief, and took three admirals of the enemy from the fleets of three of the most powerful maritime nations of his time,—one French, one Dutch, and one Spanish. Let them console themselves with the reflection, humiliating as it is, that mankind are but too prone to endeavour to pull down to a lower level every man whose deeds stand pre-eminently conspicuous; let them recollect that the victories of Marlborough were ascribed to Cadogan; of Blucher, to Gneisenau; and of Wellington to Murray. No wonder, then, that the subordinate characters of the fleet, which conquered De Grasse, should have indulged in such theories as were rife at the lower end of almost every mess-table through the Peninsular campaigns—and that with midshipmen of thirteen, however sagacious observers of mankind, however deep in naval tactics, and however accurately acquainted with the habits of order and subordination practised in his majesty's naval service, it should have been considered as quite certain, that Rodney would have been nobody without his Douglas. Nelson and Buonaparte, if we may be allowed to associate two such names, (and a parallel 'in the manner of Plutarch' might be drawn,) are, perhaps, the only two, in modern times, who have had no other shadows than their own—so true is it, that

> 'Envy doth merit as its shade pursue,
> And, like the shadow, proves the substance true.'

Rodney's character, both public and private, though it did not escape calumny, passed successfully through the ordeal, and we have no doubt that the laurels, which have flourished on his tomb for eight-and-thirty years, will stand a more severe gale than a mere transient breeze, which, though it may have just ruffled their leaves, will pass away without leaving the smallest blight behind.

ART.

ART. IV.—*Forest Scenes and Incidents in the Wilds of North America; being a Diary of a Winter's Route from Halifax to the Canadas, and during Four Months' Residence in the Woods on the borders of Lakes Huron and Simcoe.* By George Head, Esq. London. 8vo. 1829.

THE 'Rough Notes' of Captain Head on his gallop across South America, are not more unlike ordinary travels than this Diary of a winter's journey in British America, and a summer residence in the woods there. The authors (if we mistake not) are brothers, and grandsons of Moses Mendez, well known among the men of letters of his day.

Mr. Head, being ordered to a station in Upper Canada, landed at Halifax in the latter end of November; the passage of the river St. Lawrence was already closed, and he had therefore to make his way thither over land, a distance of more than twelve hundred miles. The time of year could hardly have been worse for the journey: though November is to the Nova Scotians their best month, so much so, indeed, as to be called, for its 'fresh frosty air and bright sun,' the Indian summer. There is an old proverb in our own country which prays for deliverance from Hull, Halifax, and one other place that may as well be nameless: it is no longer applicable to either of these English towns, but Mr. Head's account of the climate of Halifax in Nova Scotia brought the deprecative aspiration to our lips. The sun is powerful and oppressive in July and August; cold evenings in September, with frosts increasing in severity. October variable—with rough gales from the north-west, sweeping the frozen continent, and answering to our easterly winds. Then the Indian summer, in which, however, some days are close and foggy, others clear and intensely cold, and the temperature sometimes varying as much as forty degrees in four-and-twenty hours! December, the snow begins to lie, thermometer usually about twelve degrees below the freezing point. January, sometimes ten or fifteen below zero. Violent and frequent snow-storms in February. 'In March, clouds of hail and sleet sweep along the streets with a force hard to be withstood by man or beast. One day you have to wade through deep fresh snow, before night a fog sets in with a rapid thaw; heavy rain succeeds, and torrents of water and melting snow rush down the steep streets; the thick cake of ice which encrusts the ground is then laid bare; it cracks into fissures,' which form, as it were, the beds of little rivers, discharging the melted snow into the sea, and 'walking becomes even more disagreeable and dangerous than ever.' Hardly two days in April are alike. You have the varieties of deep and fresh snow, soft and sloppy, or covered with a crackling

crackling coat of ice; and the north-west wind rages with a violence against which only the young and active can make way. In May, the weather has but little improved; frequent snow mixes with mud, till the streets are like a bog, and would be considered, in any other part of the world, impassable. Weak constitutions are tried by keen, frosty winds, with a warm sun, as well as by the excessive variation of temperature; those who are subject to pulmonary attacks suffer considerably, but rheumatic people do not complain—rheumatism, which in England is more prevalent than any other disease, belonging rather to a damp climate than a severe one. In June, though the sun is powerful, summer has not yet arrived: floating ice islands infest the coast; in the hottest day the sea-wind 'drives before it a dense, chilling fog, like a moving pillar over the town, and the very eyes feel wet and cold.'

But if this be no land for the vine and the olive, the myrtle and the orange, there are few parts of the globe where earth and sea afford more abundant returns to industry and enterprise. Its numerous harbours are some of the finest in the world, and the climate itself, with all its rigour, brings with it some conveniences, and even some pleasures, to the inhabitants. *Sleighing* becomes the fashion in the town when the snow has been sufficiently trodden, as much to the delight of the sleighers as to the annoyance and danger of those who make their way on foot; and the young women in groupes of three or four, holding by each other's arms, slide down such declivities, that a stranger from Europe cannot behold them without alarm. The larder, too, is supplied at this season, for the winter.

'Waggon loads of frozen pigs were exposed for sale, quite hard and stiff, and in a fit state to keep till the spring. They had an unusually uncouth appearance; for their mouths were generally open, and the last services seemed never to have been properly paid to the defunct. Their limbs were not arranged with decent regularity, and they appeared to have given up the ghost in the act of squalling, and at full gallop. Some were placed standing at the doors in the streets, like rocking-horses before a toyshop, upon their four legs, just as if they had been alive. This mode of keeping a pig for a winter without giving him a grain of any thing to eat, or being subject to his noisy, illmannerly conduct,—nay, to be enabled to eat him piecemeal without even the trouble of cutting his throat, is indisputably one advantage of a cold climate. But frozen meat, on the other hand, disappoints the epicure, being always tasteless and bad.'—pp. 16, 17.

It might appear from this statement, that frost is made to kill the pig as well as to preserve it!—a substitute for butchering, by which little would be gained on the score of humanity.

Mr. Head hired a sleigh to take himself and his servant to

Annapolis, one hundred and thirty-two miles, for which he paid 20*l.*, and set off on the 8th December, glad to leave an uncomfortable and ill-conducted hotel. The snow lay above a foot deep, and was still falling heavily; it became 'slushy and soft,' on the third day's journey, in consequence of a thaw, with heavy rain; and on the fourth day he reached Annapolis after a journey which we might be disposed to call miserable, by the fireside, but which was luxurious in comparison with what he had afterwards to go through: for though the innkeepers, as in the United States, 'seemed to imagine, that by admitting a traveller they conferred a favour on him,' yet he found clean beds, glorious fires, and good fare, tea and beef-steaks to wit, with home-made cheese and cider, both of excellent quality. From Annapolis he proceeded twenty miles to Digby, finding the people as expert in making a knavish bargain for conveying him, as the most knowing horse jobbers in Switzerland. At Digby he had to wait first for the arrival of the packet from St. John's, and then for a fair wind to cross the bay of Fundy. His quarters were at a neat little inn some three miles from the town, that in the town itself, luckily for him, being full.

'The person who kept the house was a widow, from whom,' says he, 'I experienced extreme kindness and attention. Her daughters were well behaved and exceedingly pretty, and the house was managed altogether with such quiet regularity, that I blest my stars for the good fortune which had established me in such quarters during the uncertain period of my sojourn.

'I had the pleasure of seeing what industry and good management could effect in the country; and a house more tidy and scrupulously clean I never entered in any part of the world I ever visited. I went to a large piece of water in the neighbourhood, where I amused myself by skating for a few hours before dinner, which was served in a room warmed by an excellent coal fire, and furnished with every sort of English comfort. My landlady was provided with preserved fruits of every description afforded by the soil, and these are sufficiently numerous. There are currants and raspberries, gooseberries, cranberries, strawberries, apples, pears, and quinces; and of these she was so liberal, that I could not satisfy her kind intentions. She pressed me to eat more of them; "for," said she, stirring my fire at the same time, "you will be both cold and hungry before you arrive at Quebec." I thanked her heartily for her good-will.

'I was led involuntarily to think favourably of a country, in a state of Georgic simplicity; where a man can build a house in a week; where, by the help of his gun and fishing implements, there is no chance of his starving; where, for five shillings an acre, good land may be purchased, capable of growing wheat, buckwheat, barley, oats, maize, rye, turnips, potatoes, &c. I had seen the facility with which the countrymen wielded the axe, and had been surprised by the simple

simple mode of bringing the land first into cultivation. It seemed to me almost incredible, that corn could be grown in a forest of stumps for several succeeding years, merely on the strength of the land, without amendment, except the ashes of the burnt trees; that by merely scratching the surface with a light plough, it could be prepared for the next crop; and that agricultural operations could be carried on with success for a period of ten or twelve years, till the roots of the trees rotted out of the ground of themselves. What if the life of the husbandman be a laborious one!—if a man be obliged to work hard for his bread, so long as he has youth and strength, and breathes the air of a bracing climate, why should he not?

'The neighbourhood of Digby appeared to me particularly eligible; for the town was a thriving little sea-port: boats of a large size were built in her docks, and the sea abounded with several good sorts of fish. A small species of herring afforded the inhabitants almost a staple commodity. They are extremely delicate, and are salted in great quantities every year. They have gained the nick-name of Digby chickens, and are exported to different parts of the province in barrels.'—pp. 37—40.

Nova Scotia, then, to one who saw it under all the discomforts of a December journey, appeared no undesirable country for an emigrant. Of its value, indeed, as a colonial possession, the frequent contests in which France and England were engaged for it, are sufficient proof. Happily for the inhabitants, it is long since their well-being has been disturbed as in former times, and they have prospered accordingly. Within the memory of Mr. Uniacke, the attorney-general of that province, they have increased from eleven thousand to one hundred thousand, although the facilities of emigrating thither have been greatly impeded, by some regulations for the conveyance of passengers, humanely intended for their protection. These regulations required that in every ship which took out emigrants, there should be a medical man on board, a medicine chest, and a certain quantity of pork and bread provided, according to the numbers; but an enactment, which originated in benevolence, has, by raising the expense of the passage from 3*l.* 10*s.* or 4*l.*, to 9*l.* or 10*l.*, had the effect of keeping people at home 'in a state of actual starvation, whose little means, if left to themselves to make use of, would have enabled them to escape from that state.' It has, in fact, almost put an end to the voluntary emigration, except by way of Newfoundland, to which country the regulations do not extend, or from ports where they are not enforced. 'The Irish emigrant,' says Mr. Uniacke, in his evidence before the committee on emigration, 'has not been accustomed to pork, and knows not what it is to be in a bed; if you put him in a bed and give him pork and flour, you make the man

sick; but when he comes out to Newfoundland, he gets no more than his breadth and length upon the deck of the ship; he has no provision but his bag of oatmeal, some potatoes, and a few herrings, and he comes out a hearty man.'* In the year 1824-5, some three hundred settlers from the north of Scotland, found means to evade the regulations which were designed for their benefit, and their passage to Cape Breton did not cost them more than 50*s.* or 3*l.* each, for they provided for themselves; 'all that the master of the vessel looks to, is to see that they have a pound of oatmeal for every day he calculates the passage to run,—from four to five weeks; every man brings a pound of oatmeal for every day, and half that quantity for a child, with, perhaps, about half a pint of molasses, a little butter, and a few eggs; the master provides them with water, and they pay from 30 to 35*s.*' These settlers went out at their own expense; not a mouthful of provisions, nor any assistance of any kind was given them by government, except the land which was allotted them by Sir James Kempt; and they prospered so well and so soon, that in 1826 it was said, there was not a happier set of people in Scotland, than those who had so lately left it under the pressure of extreme penury.

Irish emigrants are settled in this province as cheaply as they used to be transported thither. About fifty bushels of potatoes, and half a barrel of herrings, will subsist a family (and 'well,' Mr. Uniacke says) for a year, and the next, they are able to provide for themselves. The first five families that he settled at a place called Irish Town, had not five shillings amongst them; those families were increased five-fold in the course of five years, for they wrote home to their friends, saying how comfortably they were placed, and those friends then 'raised heaven and earth' to join them.

'Every year brings out an addition; the old settlers can now receive their countrymen and relations that come out; there are potatoes and provisions for them, and the colony is increasing at the rate of about seven or eight families every year. They have given me,' says this gentleman, 'I believe between 70*l.* and 80*l.*, which they have saved out of their earnings, to apply in sending out their relations and friends. The last time I visited that place, I asked them how they were situated, and they said, "Tell our old masters at home that we would not exchange situations with them!"'

These poor people, who dispose thus generously of their first earnings, would, in all likelihood, have been Rockites had they remained in their own country, engaged in conspiracy, arson, and murder, in obedience to that secret tribunal which defies the go-

* First Emigration Report, p. 38.

vernment,

vernment, and sits in judgment upon its magistrates and those who dare attempt to execute the laws. From how much guilt as well as misery are such persons saved by emigration! The orphan children, who are thrown upon the poor list at Halifax by the army and navy, are even more easily provided for; at four or five years old the farmers gladly take them as apprentices, and treat them in all respects as their own children; the girls are brought up to spinning, milking, and the work of the dairy, the boys in all kind of agricultural business. The stipulation is, that the farmer gives the child a ewe for the first year, and a heifer calf for the second, keeps that sheep and heifer, with all their produce, till the apprentice comes of age, and the apprentice has then a portion, of cattle in both kinds to settle with, on her marriage, if a girl, if a male, in farming stock. Numerous as are such orphans, the demand for labourers is so great, that half the numbers which are applied for cannot be supplied. How beneficially for themselves, and advantageously for their parishes, might many of our friendless orphans be thus disposed of!

From Digby Mr. Head crossed to St. John's, and found, at so short a distance as six-and-thirty miles, a very perceptible difference of climate,—the inhabitants themselves estimate a fortnight's difference in the season. The next point of his journey was Fredericton (eighty-one miles) on the river St. John's; the usual winter route is upon the frozen river, but the season, though particularly severe, was not sufficiently advanced for travelling with any confidence upon the treacherous ice. A two-horse sleigh was hired for seven pounds, and he provided himself with a buffalo apron, consisting of two skins sewed together and lined with baize; this, which was warm as sheepskin, and of very large dimensions, was to be his 'friend by day and by night;' by day to defend his knees and feet from the weather, by night to supply the insufficiency of covering in the beds and places where he might have to lie down. This was a journey of two days, in part through the forest, but mostly on the river.

'Large serpentine tracts of water were to be seen in many parts, and heaps of broken ice, forced up by the strength of the current, lay ranged on each side in considerable profusion. From some country people whom we met we were told, that the passage was not safe; but that the road on the opposite bank was already sufficiently broken to render it tolerably good. The driver, therefore, bore away for the shore, which we were some time in reaching, being obliged to go out of our way frequently to avoid the weak and unsafe places. At last, when within about a couple of hundred yards from the land, there seemed a clear sheet of ice, over which the driver urged his horses at a brisk trot; when all at once the ice suddenly gave way, and down went

went the horses head foremost into a hole. We were going so fast, that I was flung out a long way clear of the water; and as soon as I could get up, I ran back to render my assistance. One of the horses had already scrambled out, but the other was lying on his side in the water, with his head stretched out over the forward end of the hole, and supporting himself by his cheek and all the strength of his neck on the ice. The hole was nearly round, and the diameter rather more than the length of the horse; but as the ice about it was full a foot and a half thick, the sleigh had jammed at the other end, and his hind quarters were supported by the breeching. The poor creature lay without struggling, although the day was bitter cold, and he had sunk so low, that his head only was above the surface of the water. In this dilemma the driver, having freed the other horse from his harness, slipped a noose of rope round the drowning animal's neck, upon which we pulled till he seemed nearly strangled: and this operation is called in the country, very properly, "choking." Whether it was that he floated by means of the air thus forcibly retained in his lungs, as the driver asserted, or whether our united efforts caused him to rise, I cannot say, but so he did: and we had not continued to tug long, before out he slipped on his side, and, after a few kicks and struggles, stood frightened and shivering once more on his feet on the ice. We got to the shore after all with some difficulty; for the ice was broken away for so great a distance from the edge of the river where we attempted to land, that it was with very great labour that the horses could drag the vehicle over the hard snow and shingle which obstructed their progress. Although the poor horse had been nearly a quarter of an hour in the water, and the other also was perfectly wet from the accident, both soon recovered themselves, and before we had gone a couple of miles were quite as well as ever.

'The above may be cited as an instance of the hardihood of the North American horse, of which less care is taken, notwithstanding the severity of the climate, than in England. The cold, severe as it is, seems to agree with them very well, and they are continually kept standing out of doors, without mercy, after being violently heated. The fact is, that the cold keeps down all tendency to inflammatory attacks, and a striking instance of this occurs with regard to flesh wounds. They are frequently receiving injuries between hair and hoof from the calk or spike of the frosted shoe, so severe as would be reckoned a serious accident in England; however, they are worked invariably without bad consequences, and few of the farmers' horses are to be met with whose hoofs do not show a succession of scars, which remain till pared away in process of time, at the bottom, by the blacksmith. Many of the horses of the country have good blood, being the progeny of stock formerly imported by the Duke of Kent; and others of good substance and action are now and then brought from the United States. The hay is bad everywhere,—like Irish hay, dried without being allowed to heat, and then thrown into a barn or stacked under an open shed. Notwithstanding all these disadvantages,

to

to which it may be added, that the stables generally are miserably protected from the weather, horses now and then arrive from England, very soon become perfectly reconciled to all their difficulties, and thrive as well as the rest.'—p. 54—58.

Man, as well as horse, bears transplantation to this rigorous climate without injury. Rheumatic diseases, which are of all others most prevalent in England, are not frequent there, though little precaution is taken against them in the way of clothing, flannel being less worn than in this country. Nor are the inhabitants, as in remoter regions of the north, stunted in their growth: in stature, Mr. Head says, they certainly exceed Englishmen; and he calls them a fine, healthy, hardy race. In two respects only the climate seems to injure them; wrinkles are early formed, especially about the eyes, which he imputes to the increased action of the muscles in that part occasioned by cold, and by the glare of sunshine reflected from snow; and the teeth decay very soon: this he ascribes to the cold; but there must be some other cause, because the Indians, in the same climate, are not thus affected, and the Americans, in a milder part of the adjoining states, are.

At Fredericton it was necessary to equip for the remainder of his journey, there being no place on the way before him where the necessary articles for such a journey could be procured. These were rackets or snow shoes; mocassins, the well-known skin sandals, so made for travelling, that with a piece of blanket by way of sock, they protect well both from wet and cold; and tobogins, which are small sledges, for the conveyance of baggage drawn by men, and so well contrived, that the load (from one hundred to one hundred and forty pounds) being laced tightly on it in a tobogin bag, the whole forms a compact mass, that may be dragged among stumps of trees, and rolled over in the snow without injury. The next point upon his journey was Presque Isle, eighty-three miles distant, farther than which there was no proceeding by any kind of carriage, but to that place a French inhabitant agreed to take him with a two-horse sleigh for eight guineas. From thence the usual route to the St. Lawrence is along the bed of the river St. John's, which is so wide and so exposed to the wind, that the snow is far too deep to be passed in any other way than on foot in snow shoes. This way the mail is conveyed, and Mr. Head intended, as the best and safest mode, to accompany it, and travel with the postmen from Presque Isle to Quebec, the usual mode for those whom urgent business induces to undertake so dreadful a journey.

On new year's day, he started from Fredericton,—along the bank of the river, through deep, untrodden snow, and, at a ploughing pace, delayed occasionally by drifts, through which the horses

horses could only make their way by floundering with all their might.

'Sometimes they stopped short, and with distended nostrils, and eyes expressive of fear, they seemed inclined to give it up altogether. But they were both high-spirited animals, and we were indebted to them for overcoming difficulties, which a person less experienced than the driver would have hesitated to set their faces to.

'Occasionally, during this stage, we encountered some little ravines, or precipitous gullies, which crossed the road, and which formed small creeks or outlets of the river. There were several of these which it was necessary to pass, and at the bottom of each was a rude wooden bridge without side-rails, and scarcely broad enough to permit three horses to pass abreast; notwithstanding which, we went over with our pair always at full gallop: much to my annoyance at first, till I found that the cattle possessed quite as much sense as their driver, and sufficiently understood what they were about. The ravines were so steep, that in order to ascend one side, it was absolutely necessary to rush down the other to gain an impetus; and the distance from the top to the bottom was about one hundred and fifty yards. The bridges were composed of pine logs laid loosely together, which made a rattling and a clatter as the horses' feet came upon them. The Frenchman drove with long cord reins, without any contrivance to prevent them falling down the horses' sides, and the rest of the tackling was of an equally simple fashion. The cattle were indeed but barely attached to the vehicle; a matter of little importance during the former part of the journey, but now deserving a little more consideration: for the horses, so sure as they arrived at the verge of each ravine, seemed to take all sort of charge upon themselves, while the driver, yielding to circumstances, sat still upon his seat. Up went their heads and tails, and, like a pair of hippogrifs, down they went with a dash till they reached the bridge, when, closing together, laying back their ears, and cringing in their backs, they rattled over the logs at full gallop, and up the opposite bank, till the weight of the vehicle brought them to a walk. Now came the turn of the driver; and as he was perfect in all the words which frighten horses, he used them with such emphasis, jumping out of the sleigh at the same time with considerable activity, while the animals dragged it through the deep snow, that he contrived to keep them to their collar till they had completed the ascent.

'Some address was required to prevent being thrown out of the vehicle by the violence of the motion. It was absolutely necessary to retain fast hold of the side; and then the thumps and jerks were such as cannot be readily imagined. Nothing, in fact, can be worse than the motion of a sleigh on a rough road. There is a grinding sensation which threatens the breaking up of the whole machine. It feels as if parting in the middle and going asunder. The jolts inflicted by lumps of hard snow and other obstacles may be compared to the blows of a short

short chopping sea upon a boat making head-way against wind and tide. The bones rattle by the concussion.'—p. 80—83.

Three days of such travelling brought him within eighteen miles of Presque Isle,—to quarters so wretched that a day's rest there, which a heavy fall of snow rendered necessary, seemed worse than the fatigue of travelling; but, on account of the horses, it was impossible to proceed. The driver had brought with him a pipe and a bottle of rum, with which he made himself victorious over all ills by the fireside: four or five fellows, some belonging to the house, and some who were weather-bound, had attained the same stage of felicity; while Mr. Head, alike impatient of his quarters and his company, paced the room and watched the weather. Every time he opened the door to look out, he was greeted by the execrations of the whole company,—not undeservedly, as he himself acknowledges; for the wind, which made balloons of the women's petticoats, filled the room with a whirlpool of snow, 'and it took his whole strength to close the door against it.' Here, however, to his great satisfaction, the Quebec mail arrived, in the shape of 'two men on foot, of a tempest-driven appearance;' their clothes and caps covered with snow, each with a pair of snow-shoes slung at his back, and a large white leather bag across his shoulders. They were both native French Canadians, the one apparently of half Indian blood. With these men he agreed to be his guides, and draw his baggage on the two tobogins, from Presque Isle, along the course of the river by the Madawaska settlement and Lake Tamasquatha, to the shore of the St. Lawrence, for fifteen pounds. The distance is upwards of one hundred and fifty miles; and there is a line of small log-houses on the way, occupied by settlers, to whom grants of land have been ceded, for the purpose of keeping open the communication. These men had the bags from Quebec; they were, when rid of them, to join him at the house of Mr. Turner, at Presque Isle. There he was detained eight-and-forty hours, waiting first their arrival, and then their convenience; and the description of his host, who was the chief diplomatist in those parts, and, moreover, a man in authority, and the account of his establishment, present a lively picture of civilized life (as that which is not savage must in courtesy be called) in its coarsest state.

The party consisted of Mr. Head and his servant, three travellers who joined at Mr. Turner's, and the two guides. The guides loaded the tobogins, each put himself in harness, with a broad leathern strap passing over the breast and shoulders, to which a rope was fixed, and thus he could draw his load, while his arms were at liberty. The weight, sliding easily over the snow, scarcely seemed to impede them, accustomed, as they were, to such

such draft and such travelling. But the rest of the party were unused to snow-shoes, the use of which is not acquired without a severe apprenticeship. These are heavy, and they soon became heavily incumbered with ice, there being much water between the surface of the river and the snow, which froze immediately. It was necessary to be provided with short sticks for beating this off. Before them was one uniform white expanse of snow, on each side 'the heavy black wall of forest trees.' With their utmost exertions they could not proceed at the rate of two miles an hour; and happy they were, after seven hours' toil, to reach their appointed place of rest,—a small log-house, at the computed distance of ten miles from Mr. Turner's. Salted pork and sliced potatoes were the only fare which could be procured here; but there was the greatest of all comforts, in such a country, to compensate for this,—a fire, composed of enormous logs, with one called the *buche* at the back of the hearth, so large as to require the strength of two or three men, with the aid of levers, to bring it in: a large one lasts full eight-and-forty hours. Over the fire the mocassins and stockings of all the party were hung to dry. To beds, as well as all other comforts, except what fire could bestow, Mr. Head had bidden adieu; but he thought his lodging good, wrapped himself in his buffalo skin, and slept soundly on the boards. The next day's was a journey of fourteen miles; snow had fallen in the night, which, as it still lay soft, made their progress, if that were possible, more difficult than before; at every step, the foot felt as if chained to the ground by ice and clotted snow: and, as the shores of the river widened, the feeling of disappointment was added to their labour; the point on which their eyes were wistfully fixed, appeared, after an hour's hard fagging, hardly nearer than before; they 'seemed separated by interminable space, from headland after headland, and gasping, as it were, under a sort of spell-bound influence, such as a disturbed dream brings to the imagination.' Mr. Head's servant fell up to his middle in an air-hole, small enough for him to support himself by the arms till he could be pulled out, and, fortunately, so near the log-house where they were to rest, that there was not time for him to be frozen. At this log-house some settlers in the vicinity had collected, one of whom requested Mr. Head to take charge of a letter for his relations in Scotland, from whom it was very long since he had heard any tidings. He 'seated himself on the ground, in a corner of the room; his desk was a plate supported on his knees; his paper was as bad as well could be; his ink newly thawed and quite pale; his pen, pulled out of a wild goose's tail, was oily; his own hand was as hard as the bark of a tree; and his broad black thumb had been smashed by the blow of a hammer or an axe, and had no sort of

of bend in it.' This, however, was a fortunate opportunity for this poor man; and the letter which, under these uncomfortable circumstances, he produced, was subsequently delivered to its address. Mr. Head very properly remarks upon this,—that 'the difficulties attending the interchange of letters between settlers in the colonies and their friends at home, are well worthy the attention of those desirous to promote emigration. The greater the facility of correspondence, the more the stimulus to individual adventure receives strength. Epistolary intercourse being kept up, the objections to foreign residence more resemble prejudices; withheld or delayed, they become solid, undeniable objections, and then it is that an emigrant may be considered really an exile.'

He had perceived, by his servant's fall into the air-hole, that no precaution could be of any avail against this danger; and that nothing was to be done but to take the chance, in such a case, for ducking or for drowning. The postmen, it appeared next day, were of the same opinion; and, showing how little they liked the chance, proposed that each of the party should walk first, by turns. They were, perhaps, as much influenced in this by the desire of easing their labour as diminishing their danger; for the first man had to make his way upon the untrodden snow,—and upon the large track of his snow shoes, those who followed found what was comparatively firm footing. The guides prescribed their course according to their notion of the safety of the ice, which, as it could be founded only on their recollected knowledge of the river, was but blind guidance; yet they made long circuitous paths in consequence. A snow-storm came on directly in their teeth; when they had been little more than seven hours on the way, it blew a hurricane: they were unable to see each other at a greater distance than ten yards; and the drift made the surface of the snow, through which they were toiling, appear like an agitated sea. Wheeled round every now and then by the wind, the cloud which enveloped them was so strong, that it produced a sense of suffocation. Even the indefatigable guides admitted that it was impossible to proceed. the forest was at hand, and there they took refuge—turning their shoulders to the blast—and prepared to bivouac for the night. His companions were prepared for such an adventure.

'The frequent crashes of falling trees, and the cracking of their vast limbs as they rocked and writhed in the tempest, created awful and impressive sounds; but it was no time to be idle: warmth and shelter were objects connected with life itself, and the Canadians immediately commenced the vigorous application of their resources. By means of their small light axes, a good sized maple tree was in a very few minutes levelled with the earth, and in the mean time we cleared

cleared of snow a square spot of ground, with large pieces of bark ripped from the fallen trees. The fibrous bark of the white cedar, previously rubbed to powder between the hands, was ignited, and blowing upon this, a flame was produced. This being fed, first by the silky peelings of the birch bark, and then by the bark itself, the oily and bituminous matter burst forth into full action, and a splendid fire raised its flames and smoke amidst a pile of huge logs, to which one and all of us were constantly and eagerly contributing.

'Having raised a covering of spruce boughs above our heads, to serve as a partial defence from the snow, which was still falling in great abundance, we sat down, turning our feet to the fire, making the most of what was, under circumstances, a source of real consolation. We enjoyed absolute rest! One side of our square was bounded by a huge tree, which lay stretched across it. Against this our fire was made; and on the opposite side towards which I had turned my back, another very large one was growing, and into this latter, being old and decayed, I had by degrees worked my way, and it formed an admirable shelter. The snow was banked up on all sides nearly five feet high, like a white wall; and it resolutely maintained its position, not an atom yielding to the fierce crackling fire which blazed up close against it.

'The Canadians were soon busily employed cooking broth in a saucepan, for they had provided themselves much better with provisions than I had. I had relied upon being able to put up with the fare I might meet with, not taking into consideration the want of traffic, and distance from the civilized parts of the province; owing to which, the scanty provision of the inhabitants could not allow them to minister to the wants of others, although they might be provided with a sufficiency for themselves. And I now saw the guides pulling fresh meat out of the soup with their fingers, and sharing it liberally with my servant, whom they had admitted into their mess. The poor fellows seeing that I had nothing but a piece of salted pork, which I had toasted at the fire on a stick, offered me a share of their supper, but this I felt myself bound to decline. My servant had fewer scruples, and consequently fared better. In return for their intentions I gave them a good allowance of whisky, which added to their comfort and increased their mirth. One by one they lighted their tobacco pipes, and continued to smoke; till, dropping off by degrees, the whole party at last lay stretched out snoring before me.

'Large flakes of snow continued to fall, and heavy clots dropped occasionally upon the ground. Our enormous fire had the effect of making me so comfortably warm, that I had deferred the use of my buffalo skin till I lay down to sleep, and were it not for the volumes of smoke with which I was at times disturbed, and the pieces of fire which burnt holes in my clothes wherever they happened to fall, my lodging would have been, under circumstances, truly agreeable. I sat for some time, with a blanket thrown over my shoulders, in silent contemplation of a scene alike remarkable to me for its novelty and its dreariness. 'The

'The flames rose brilliantly, the sleeping figures of the men were covered with snow, the wind whistled wildly through the trees, whose majestic forms overshadowed us on every side, and our fire, while it shed the light of day on the immediately surrounding objects, diffused a deeper gloom over the farther recesses of the forest. And thus I remained without any inclination to sleep, till it was near midnight. A solemn impression, not to be called melancholy, weighed heavily upon me. The satisfaction with which I regarded the fatigue which had gone by, was hardly sufficient to inspire confidence as to what was to come; and this reflection it was, perhaps, that gave a colour to my thoughts at once serious and pleasing. Distant scenes were brought to my recollection, and I mused on past gone times, till my eyes became involuntarily attracted by the filmy, wandering leaves of fire, which, ascending lightly over the tops of the trees, for a moment rivalled in brightness the absent stars, and then—vanished for ever! . . . I became overpowered with sleep, and, wrapping my buffalo skin around me, sank down to enjoy for several hours sound and uninterrupted repose. I slept heartily till day-light, when I awoke feeling excessively cold, and found the whole party sitting up. The snow had ceased to fall, the sky had brightened, and intense frost had set in.'—p. 122—127.

Long as this extract is, the singularity of the situation, and the liveliness of the description, have tempted us to insert it. On beginning to move, Mr. Head found his limbs stiff with cold, and an aching sensation about his ancles, which made him apprehend that he should not escape that painful consequence of his apprenticeship in snow-shoes, called by the Canadians *mal-à-raquette*—it is a violent inflammation and swelling of the instep and ancles. But the morning was bright and clear; and such is the exhilarating effects of clear frost, in any endurable degree, upon the healthy frame, that he felt his spirits renovated, and new strength and elasticity in his limbs. Six hours brought them to Salmon River, which was twenty-two miles from the house at which they had slept last. Their host was an old soldier, settled upon an allotment of one hundred and five acres. The next day the ice broke under one of their guides, and he fell into the water: there was a piercing wind to increase the severity of the cold, and no house within reach. They hastened to the bank, and kindled a fire with their best speed—but the man's feet were frost-bitten before he could have the benefit of it. At a moderate distance from the fire, his companion rubbed him with snow till the circulation returned; and in little more than half an hour, he was able to proceed. These men are as hardy as the bears, wolves, and foxes, whose territory they have invaded. Four hours brought them to the house of a serjeant at the Grand Falls, where a small military establishment, as at Presque Isle, was kept up for the sake of the

the communication. Mr. Head visited the falls, at no little hazard; but we must refer the reader to the book itself for his lively description. The next morning 'broke clear and cold,' exhibiting, he says, 'a loveliness of nature peculiar to the Canadian climate, and sufficient to dissipate every sensation of pain and weariness: a rare combination of frost and sunshine, such as, without being seen and felt, can hardly be imagined. The wind was hushed to perfect stillness; and as we walked along, our hair, our seven-days' beards, and the edges of our caps, our eyebrows, and even our eyelashes, were as white as a powdering of snow could make them. In the mean time, the warmth of the sun gave a sensation of peculiar purity to the air.' We have winter weather in England in which this bracing and exhilarating effect is perceptible; and the same sense of purity in the air is experienced in summer on our mountains.

A journey of fifteen miles brought them to the Madawaska settlement, on the Grande Rivière—a 'narrow strip of a village,' inhabited wholly by French Canadians, a people with whom Mr. Head had every reason to be well pleased. Here he was agreeably surprised to find he was to be indulged with a bed; that, for the next stage (one and twenty miles), the snow was sufficiently beaten to bear a horse and sleigh, and that one might be hired in the village. Still more was he surprised that, in his helpless condition, when he stood in such need of such a conveyance, there was no inclination in the owner to extort from him any thing beyond a reasonable price. Fifteen shillings was the sum which he agreed to pay; for rather less distance, and in a better country, he had been cheated into the payment of four pounds at Annapolis. The snow was so deep, the roads 'so partially broken,' and the vehicle, though well contrived for such travelling, so rough, that he would far rather have walked, had it not been for the sake of husbanding his little remaining strength. At the cost of some half-dozen overturns, however, he performed the stage, and was taken in at the house of an inhabitant, the *auberge* being full. A dozen persons joined company with the party here; and on the morrow, with great satisfaction, he saw his snow-shoes fastened on the *tobogin*—the remainder of the way was to be performed in mocassins: but the relief came late, for he was now so lame that he could not move a step without considerable suffering. Thus they left St. Johns, and pursued their course along the Madawaska river. It was a merry as well as motley crew with which he found himself now associated, 'some at the end, and some at the beginning, of their respective journies.' The former were hobbling and limping, weary and way-worn, with no spirits to expend in merriment; the latter smoked, and hallooed, and whistled and sung,

sung, and pelted one another with snowballs. The guides had procured large dogs of the Newfoundland breed to draw the tobogins, and several of these great creatures were loose in their train. They roused a Caraboo deer on their way, gave chase, Mr. Head, forgetful of his lameness, joining with such ardour as to make a tolerable race, killed him, and supped that night upon one of his haunches. This was a stage of four and twenty miles —that of the next day was twenty-one; and he was now so lame as to make it a serious undertaking. It lay partly on the river, but when the ice became unsafe, in the forest along its banks—lastly, over Lake Tamasquatha, against a strong wind, when it required his utmost exertions to keep within any reasonable distance of the guides. They followed one after another, never caring for those who were behind—the foremost almost out of sight, and appearing like little black dots on the wide waste of snow a-head. At length they reached a house at the extremity of the lake, and on the banks of that *portage* (the word may be considered as *Anglicized*), which extends uninterruptedly from thence to the high road to Quebec.

No sooner had he arrived than he threw himself on the boards, thinking it would be impossible for him to proceed the next day. Nor was any refreshment from sleep to be expected: it was manifest that sleep would be murdered here. More travellers had already established themselves in these miserable quarters. There were six-and-thirty persons in the room, including the mistress of the house and her sister; these women slept in the same room on a truckled bed, (the decencies of life being disregarded in these frontiers of civilization,) the rest lay on the ground, like so many pigs. Mr. Head's next neighbour was a major in the army, whom he never saw before nor since, and who did nothing but groan all night. Travelling in that country, like misfortune, brings a man acquainted with strange bedfellows; they had for theirs, besides the travellers and the women, some eight of the great Newfoundland dogs, who ran about, trod upon them, growled, quarrelled, and were during the night engaged in battle royal; the whole room rising in arms to part them, by throttling them and biting the ends of their tails.

'The gabble of tongues,' says Mr. Head, 'the smell of tobacco smoke, and the disturbance altogether, was really dreadful. The women were not silent, and no matter who slept, some were sure to be awake and talking. I quite lost all my patience; sometimes I struck at the dogs as they galloped over me; and I shook one fellow by the collar till he roared, who, in the scuffle, had trodden on my lame ancles without remorse. The only satisfaction I had was to think that the pain I was in would alone, without the noise, have been sufficient to keep me from sleeping.' After

After another day's long march they reached a resting place, within nine miles of the end of the pedestrian journey; but by this time his feet were swollen to a great size: the Canadians assured him that he had got the *mal-à-raquette*, and he lay awake all night, in the miserable loghouse, thinking how unlucky he was thus to be foot-foundered when so little a part of the way remained to be accomplished by walking. When morning came, however, he found himself better able to endure the pain of exertion, however great, than to remain patiently where he was. He relied on the assistance of his servant, who was still strong and able, and set out accordingly, though the trial was the severest which he had ever undergone, for the inflammation in his feet and ancles was so acute as exactly to resemble the pain of the gout; merely to set his feet to the ground was torture, and the slightest twist, when he trod in the holes made in the hard snow by the footsteps of former travellers, increased it: sometimes he was obliged to lie down in the snow for relief, though the intense cold obliged him to rise almost immediately; but by the servant's help, after eight hours of this exertion, he arrived at the village of Rivière de Loup, with a proper sense of thankfulness at having thus accomplished what he had more than once despaired of. It was only six miles to Rivière de Cape, where there was a good inn, and a sleigh might be procured to take him there. Beset as he was with a pack of dirty companions, he ordered it to be got ready, and made a last effort to crawl into it, ready, he says, to endure anything, so he could but free himself from his present associates. On reaching the inn, he found a humane and attentive hostess, a good arm-chair, a comfortable meal, and other such indulgences as never before had been so seasonable and so welcome. It is remarkable that ease of mind brought with it immediate ease of body; though not at the end of his journey, he was at the end of all those difficulties which it required bodily exertions to cope with, and all pain left him that evening. He slept well, breakfasted well, and set off in buoyant spirits, in a post cariole (or small sleigh drawn by one horse), on a good and well beaten road. Sixty miles he posted that day, and reached Lislet half frozen; the weather being intensely cold but clear, and the glories of the evening such, he says, as a winter sunset in Canada can alone produce. Fifty-one miles of the same sort of travelling brought him, on the following day, to Point Levi, an uncomfortable passage-house on the banks of the St. Lawrence, where the river is a mile and a half wide, and opposite to Quebec.

In the morning, looking from his window on the river, he saw it

'frozen on each bank at least three or four hundred yards from the shore,

shore, and the channel filled with pieces of ice driven forward and backward by the eddies of an impetuous tide; these were rising one above another, twisting round and round, sinking, labouring, and heaving, by the action of a current running at the rate of seven knots an hour. Sometimes there was a space of clear water, wherein enormous flakes, of a superficies of three or four thousand square yards, would glide by; huge lumps, as big as a stage coach and all its passengers, would roll over and over, and tumble in various directions, now and then sinking altogether, and afterwards rising several yards a-head; large masses would meet, and drive against each other with a tremendous crash, piling flake upon flake, and presenting a most awful spectacle,—the more interesting, as it was my business to cross over that very day.'—pp. 151, 152.

As the ice was expected every day to set, (the weather being more than ordinarily severe,) when it would be possible for sleighs to pass, a traveller, less impatient of delay than Mr. Head, would have waited where he was, unless his business had been more urgent. The passage he was told was difficult, but practicable, and with very little danger; and the time for attempting it, at slack water. He engaged a log canoe, after a hard bargain, for thirty shillings; the canoe was nothing more than some fifteen feet of an entire tree, rounded at both ends alike, and hollowed by the adze. Six boatmen, each with an axe in his sash, and a paddle in his hand, dragged it from the shore, over the ice, to the edge of the water, chopping away the last six or eight feet of unsound ice with their axes, till the head of the canoe was brought close above the water. The tide was nearly at ebb, but the ice continually in violent motion, and the appearance very formidable. He and his man embarked as they were directed; sat down at the bottom of the canoe, in midships, in readiness for a launch; a large flake floated by, leaving them a clear channel of about one hundred yards across: *tenez ferme!* cried the boatmen, pushed the canoe plump into the water, a fall of about two feet, and instantly they were all on board, each in his place, and paddling with might and main, to avoid a large piece of ice then bearing down upon them, and to gain a frozen surface right a-head. Succeeding in this, out they jumped, dragged the canoe by a rope at her head out of the water, pushed her over this sheet of ice, (some hundred and fifty yards,) then launched her a second time, but in this launch the passengers were splashed all over, and the water immediately froze on their clothes.

'But we had not time to shake ourselves, for a large quantity of loose ice, which appeared just to have risen up from the bottom of the river, was bearing down upon us in a very formidable manner. The men paddled, and strained, and abused each other, but all would not do, and we were in a very few seconds hemmed in and jammed on

both sides by a soft pulpy mass, together with which we were helplessly carried away by the current sidewise from the point we were endeavouring to reach. I could not help admiring the determination and address of the men at this moment; for they jumped out, above their knees in water, sometimes up to their hips, while they used their utmost strength to drag the canoe forward by the rope. Although the surface gave way continually under their feet, letting them down upon the large slabs of ice which were floating underneath, they managed, by pulling and hauling, and with their axes occasionally cutting and breaking away the obstructing blocks which stood in their way, to get free of all impediments, and gain once more a channel of clear water.

'While this was going forward, it was extremely annoying to be perfectly helpless in the midst of so much bustle and energy; and when the fellows shouted "*Branlez! sacre Dieu, branlez!*" they meant that we should rock the canoe from side to side as we sat, to prevent her freezing on to the ice, which disaster was only to be avoided by keeping her in continual motion. If this had taken place, the consequences might have been serious, as the day was intensely cold, and we must have floated away, with no very great chance of assistance. However, by the skill of the men we avoided it, and the thirty shillings were certainly fairly earned, for they were three or four minutes at this spell in the water, sometimes up to their knees, and now and then nearly up to their middle. It seems almost incredible that men should be able to work at all upon ice so unsound as not to afford a surface capable of supporting the weight of the body; but on their part there seemed to be no sort of apprehension of absolute danger, owing to the vast thickness of the floating substance, a comparatively small part of which was, as they knew, that which appeared above the water; and there was invariably a lower stratum, upon which they were received and supported as often as they sank in.

'Such was the manner of making the passage across the river St. Lawrence, at the season of the year and under such circumstances as it happened to me to undertake it; and I have only to add, that the time occupied in going across was somewhat more than an hour, and that the varieties already cited followed each other in rapid succession, till the moment of our disembarkation at the opposite shore. At one time we were in clear water; the next moment struggling through congelated heaps of melted snow; then rapidly driven along over sheets of ice, and pushed over obstructing blocks, which opposed our progress in ridges seven or eight feet high. The Canadians were, however, indefatigable: every obstacle, so soon as encountered, was surmounted in a moment. Hard ice was hewn down with the hatchets. They were active as ants: all was energy, spring, and bustle. They were in the canoe and out of the canoe, paddling and cutting, pushing with the boat-hook, and hauling on the rope, all with instantaneous impulse, and appliance of strength in different ways, and with the most effective success.'—p. 156—159.

Well might he rejoice at finding himself, after such a passage, safely

safely landed in Quebec, though so stiff with cold as scarcely to be able to move, and so incrusted with ice as to be as much like an armadillo, he says, (if armadillos carried the *os sublime*, and the *erectos ad sidera vultus*,) as a human being. The difficulties and miseries of his journey were now at an end. Having posted to York, he there learnt that the station on the borders of Lake Huron, at Penetangushene Bay, to which he was ordered, was a new establishment; and that though some of the public officers were hutted on the spot, no buildings of any kind had yet been erected there, and there was not a house within thirty miles of it. There he arrived on the last day of February, thankful that the hour of rest was come at last, though the prospect before him promised little ease and less comfort. When he stepped out of the sleigh he sunk half-leg deep in melted snow; and leaving his servant to place his baggage upon a layer of spruce boughs on the snow, and watch it while he looked about for his quarters, he proceeded toward a parcel of small huts in the forest, scattered here and there: they were composed of a few poles thatched with spruce boughs. Making his way through deep snow to one on which a flag was hoisted, he was there cordially welcomed by a captain of the navy, who forthwith set a couple of men to build him a hut, in which he was to sleep that night. This extemporaneous architecture was soon completed, and he was presently in possession of a house of his own, such as it was, having two sides, with a back part, an open front, and a fire before it, 'big enough for the kitchen of the London Tavern, and in itself a world of comfort.' In the woods of Canada our Paganizing poets would worship Vulcan. The front was six feet high, and eight feet broad; the length was ten feet; and the roof dipped towards the end, which was only four feet high. The snow, which had been well cleared from the bottom and banked up, helped to support the poles of the frame-work. A bundle of spruce boughs served for bed; a sack of potatoes for pillow. This, however, was only 'roughing it' for the first night: on the morrow he constructed a bedstead upon four short and forked uprights, over which poles were tied across, and a sort of ticking wove of the bark of the bass-tree, the strips of which are tough and flexible enough to serve for all common purposes of cordage; spruce boughs were laid on this for a mattress, less elastic than the mountain heather, but more fragrant; and here, with his buffalo skin for a covering, he slept comfortably.

The next business was to construct a log-house. This is the second step in Canadian colonization: in the wild part of that country, when a house is spoken of, one composed of logs is always understood. A more civilized dwelling, made with beams

and rafters (which is the third step), is called a frame-house. A gang of Canadian axemen were sent from York to be at his disposal: he fixed upon a spot for his habitation; they fell briskly to work; and he took a willing share in the work himself. The simplicity and rapidity of the business affords, he says, an edifying lesson,—

'and the facility altogether of rearing a house from the ground to its summit appeared to be truly astonishing. To the Canadian labourer, accustomed to the use of the axe from his childhood, the felling of a tree is the act of a few minutes. He can drop it whichever way he pleases, divesting it of its limbs and adapting it for its place in the wall of the building with equal dexterity. Standing upon the fallen tree, and with his foot placed in such a position as would appear liable to be split to the instep at every blow, he strikes directly under it, boldly and carelessly, thus making a large notch (which enters, perhaps, half the thickness of the tree), quite perpendicular. When the trees are all notched, nothing remains but to lay them in their places, one upon another, or "the raising," as it is called. This done, the house is finished, and the tenant walks in—happy if he has a door with a latch ready, and a window-frame with half-a-dozen panes of glass in it. Nothing then remains but to plaster and caulk with mud and moss, *pro re natâ*.'—p. 194.

Though there were several officers at this station, there was little social intercourse between them, each having such full employment for his time as to be sufficiently weary when night closed. None of them suffered in health, which was the more fortunate, as they had no doctor with them. It was impossible to keep the feet dry: they were wet through the whole of every day, but the blanket within the mocassin kept them warm; and they learnt by experience, that while the feet are warm no harm will ensue from wet: it is cold which does the mischief. On the 9th of March, the loghouse was ready, and a comfortable store of wood cut up and piled for fuel; but on that very day an official letter arrived, containing orders to break up the establishment! He was to return to Kempenfeldt Bay, Lake Simcoe, and there await further instructions. There, however, a private communication informed him he might expect to remain a considerable time, and there his late companions left him in sole possession of a loghouse, consisting of a single room, sixteen feet by twelve; the sides so imperfectly caulked that the light was seen through the rude logs of which they were composed; the thin deal door neither fitted nor filled its frame, and the window was of four small and bad green glass panes. Head lived alone; for his servant resided with the Canadian axemen, at a distance within call, when the wind favoured the voice. He had no books, and says nothing of the official duties in which he was engaged; but he

he had his gun, good health, good spirits, strength and activity; and to his great satisfaction, one morning before day-break, a dog who had lost his master scratched at his door, and became to him more than the parrot was to Robinson Crusoe.

A pleasant diary follows of his residence in the woods; and though Mr. Head was a little too fond of shooting birds for the sake of shooting them, and spearing fish which he did not mean to eat, there are some pleasing traits of considerate humanity. Seeing the head of a little animal protruding one day from a hole in a tree, he took it for a foumart, and knocked it on the head; and was sorry, upon examining further, to find it was a flying squirrel, which had four young ones in its nest; but if it had been a foumart, that would have been no reason for killing it, when he had no poultry that required protection. When tamed (and it is easily done), the foumart, though not the sweetest of pets, is one of the gentlest and most playful; and, though never fragrant, it never puts forth its odour in full strength except when in anger or in fear. On another day, 'a little villain of a squirrel,' when he was in pursuit of a large flock of wild-fowl, seemed determined to distract the attention of his dog, and spoil his sport, and perfectly succeeded in so doing. 'As if absolutely on purpose to alarm the game,' after many previous gambols and much chattering, 'down he let himself drop, plump at once, within a couple of yards of Rover's nose,'—bounce went the dog at the squirrel, away flew the wild-fowl, and up went the sportsman's gun involuntarily to his shoulder, that he might take vengeance on the offender. But seeing how courageously the little animal defied him from the tree, unconscious of any power that could reach him there, Mr. Head felt that it would have been a wanton abuse of power to kill him, and left him to enjoy his own free wild domain.

In this lively and agreeable spirit the whole book is written. He shoots, he fishes, he loses himself in the woods; now and then he meets an Indian, or falls in with a squaw; and once he makes a journey to York, when his clothes were worn beyond all his skill in patching, and a fresh supply could no longer be dispensed with. In the depth of winter, he had asked a Highlander whether he could wear the kilt in Canada, and the answer surprised him. 'Na, the flies wad nap a body.' It seemed strange that the man should be thinking of flies when the frost was biting so sharply: the Highlander, however, insisted, that of the two the flies were the worst; and when summer came, Mr. Head learnt, to his cost, that he was right. The very woodmen protected their faces, when they were at work, with gauze veils. A small black fly, not larger than a large flea, came in clouds. 'The sun,' he says,

'shone

'shone clear and hot, and they pitched upon my face in thousands: they got into my eyes and down my throat, and my temples were covered with speckles. They were so voracious that they suffered themselves to be killed where they were, rather than take the trouble to fly away. With my hands I swept them off by hundreds, and legions returned to the charge, so as to torment me almost out of my life.' The bite of these insects, however, was not venomous; that of the mosquito highly so. Getting into a swampy place, which was their favourite abode, they bit him so severely, that his eyes were closed and blackened, his cheeks puffed, and his wrists knotted and swollen to double their natural size. He took an old English Canadian to the same spot, and set him to work there, for the sake of seeing in what manner this annoyance would affect his imperturbable gravity. The old man was the only workman who had no sort of covering for his face. To work he went, without coat, waistcoat, or hat: his shirt collar was open; and he was hewing away as if there were no such thing as a mosquito in North America, though they were swarming about him like bees. 'You are a little troubled here with mosquitoes, Mr. Weller,' said Mr. Head. 'Yes,' was his reply, 'they are pretty considerable thick, but they don't hurt me much with their bills, if they did not keep on whizzing so about a body's head.' We have seen a more remarkable case of inirritability in a labouring man, who would gather a handful of nettles, and thrust them into his bosom, or pass them over his face, without being in the slightest degree stung by them. In the instance which Mr. Head relates, the man's security is less likely to have been owing either to the toughness of the skin or its insensibility, than to the taste of the mosquitoes: they do not feed indiscriminately upon every body.

Here he remained from the 11th of March to the middle of June,—long enough to be accustomed to this solitary way of life, to find it every day less irksome, and to take more and more interest in the objects about him. But the flies continued to be a very plague, against which neither the mask which he made for his face, nor the grease with which some squaws, who paid him a visit, advised him to besmear it, seem to have protected him. 'Different sorts,' he says, 'were ushered into existence, and in a few days replaced by others; bands of unconquerable guerrillas, which harassed and tormented me without mercy. There was a day fly and a night fly; for the mosquito shouldered his arms as soon as the others went to rest, making up in his weapon his deficiency in numbers. So bad, indeed, are the mosquitoes, that I have no doubt whatever, that were a man to be exposed to them for the space of an hour without his clothes, they would absolutely

lutely sting him to death.' It is not long since a case of death, so caused, came before a criminal court in France. A villain near Lyons tied a servant boy to a tree, and left him all night, to be punished by the mosquitoes, in a place peculiarly infested by them, and the boy died in consequence.

In the middle of June he was recalled, and was soon afterwards on his way to England, bearing with him very pleasurable recollections of the country which he left.

'It seemed wonderful to think there should be so few among our poorer classes with energy enough to break the chains of poverty, and visit a land where pauperism is yet unknown; where youth and strength supply the catalogue of human wants, and where industry must meet its sure reward. The exuberant abundance of wood for fuel renders the fire-side of the peasant, during the long evenings of winter, a solace equal to that of many a wealthier citizen of the world; and as his children, with united strength, drag in each log to the hearth, he rejoices in the clearance of the encumbered earth, when those of the civilized world pay dearly for the enjoyment of warmth. An emulative feeling stimulates the natural industry of his constitution. The rattling clank of a neighbour's axe, the crashing fall of a heavy tree, seem to demand responsive exertion on his part, and give rise to an energy, which, even if the tinkling frosty air at his fingers' ends fail to remind him that he has work on hand, quickly rouses within him the spirit of active labour. The work of his young children is of a value to him far exceeding the expense of their maintenance, and he lives in the enjoyment of the consciousness of being able to leave them an inheritance of peace, if not of affluence. With facilities of water carriage, fish in abundance, and fuel, by the help of his gun, he may complete the necessaries of life; and while the partridge and wild pigeon supply him with variety in food, he has also in store both recreation and amusement.'—p. 259.

The same opinion is forcibly expressed in his concluding remarks on emigration—'to have lived in North America,' he says, 'without forming a favourable estimate of the advantages possessed by the poor of that country over those of our own, is quite impossible.'

'Every climate is unhealthy where men are insufficiently protected from the weather; on the contrary, the being well housed and provided with fuel is more than an equivalent for extreme severity of cold. To some of the hardiest animals nature assigns the warmest habitations. As to the human race, in appreciating the value of warmth, we need not go farther than take the peasantry of England and Ireland. Why are the poor of the latter country confessedly more robust although more ill fed, than the former? Doubtless because the walls of the mud cabin are impervious to the weather, while its inmates are provided with sufficient fuel. The cottage of the English

English pauper is usually a straggling, ill-contrived building; his fuel is scanty, and the consequence is, that rheumatism reigns the endemic disease of the country. Taking, therefore, into consideration the quantity of timber for firewood at the disposal of the settler in the North American colonies, it will appear, on critical examination, that the climate is a healthy one, and that no experience, founded on well-conducted experiment, has hitherto proved to the contrary.'—pp. 353, 354.

But to such a climate, which is severe as well as healthy, 'none,' he says, 'but the young should venture; children, and men and women under five-and-twenty. In after age, the change of climate is in itself a trial to the health; and as Nature decrees in vegetative life, so man himself must be transplanted early, or the experiment will not thrive. Nevertheless, supposing the case of an infirm person making the adventure, it is not impossible but that he may advance the interests of the colonial landowner, in whatever degree he may mar his own,—for sure enough it is, that so long as one man can be found to sow, another will appear in due season to reap.'

In what manner the land-jobber profits by the misdirected efforts of the emigrant, and by misdirecting them, Mr. Head has briefly shown: even in the woods of Canada it seems that men are as much influenced by the love of lucre as they are in the centre of a trading society. It is not so easy to discover the remedy as to perceive the evil; but with regard to the assertion, that persons in middle life are likely to suffer by removal to a not unhealthy climate, we must demur. Mr. Head's opportunities of observation in Canada have been very limited; and his conclusion is not in conformity with general experience. Undoubtedly he is right in thinking that colonists are more easily acclimated in childhood than in more advanced life; and this is an observation of practical importance. Notwithstanding all that might be and ought to be done at home, there can be no doubt that, sooner or later, emigration must come to be regarded as a momentous national concern: but, without reference to any more or less remote contingencies, it is, we think, clear to demonstration, that multitudes of the destitute children who are thrown upon their respective parishes for support, might be most economically disposed of by the public, and most advantageously for themselves, by sending them to those colonies where hands are wanted, and where, (as in Nova Scotia,) by a few years of faithful service, they might earn the means of establishing themselves in independence and comfort. Arrangements might easily be made for thus relieving our workhouses, to the infinite benefit of the poor children themselves, many of whom would then be saved from a worse than Egyptian bondage. This is the only scheme of emigration for the young exclusively, which can be contemplated. Where men emigrate, whether it be in

in hope of providing a fair inheritance for their posterity, or to escape from the pressure of severe penury, it is desirable that they go in families; for the possible evil that the health of the elders may be shaken by such a removal, is less than there would be in the disruption of natural ties consequent upon a separation, which must, in fact, be in many instances, on the part of the sons, a desertion of their natural duty. This is peculiarly to be borne in mind in the case of the Irish, for whom emigration, upon a great scale, is strongly advised by Mr. Head; they ought not to leave their parents, and they would not leave them: for though no other people under heaven regard the sixth commandment less than the miserable part of that unhappy nation, there are none (be it said to their honour) who observe the fifth more dutifully.

ART. V.—1. *The Rights of the Church of England to her Endowments Vindicated.* By a Churchman. London. 8vo. 1827.

2. *An Essay on the Tithe System.* London. 8vo. 1828.

IN a former Number we adverted, at some length, to various popular delusions which prevail with respect to the origin of the endowments attached to ecclesiastical benefices. We have reason to believe that we succeeded in establishing, to the satisfaction of those who approached the subject with minds unfettered by prejudice and open to conviction, that, in almost every instance, tithes were originally conferred upon parochial benefices by the voluntary liberality or acquiescence of the owner or owners of the land contained within the limits of our modern parishes. This proposition being, as we conceive, made good, it follows, as a necessary inference, that 'tithes do not constitute a tax imposed upon land by the authority of the legislature; and, further, that the landowner—that the land occupier—that the dissenter—nay, that the member of the church of England pays nothing, in the proper acceptation of such an expression, towards the expense of the ecclesiastical functions ordained by the state.' For the steps by which we arrived at this conclusion, we beg to refer to the article itself.*

Many persons, however, who are sincerely attached to the establishment, and who acknowledge that, from the force either of express grants or of prescription, the incumbents of parishes are morally as well as legally entitled to the endowments which they hold, still allege that the mode in which the provision secured to the ministers of the established church is now levied

* Vol. xxix., p. 524.

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has, from a change in the circumstances and feelings of the community, become so inconvenient in practice, and so injurious in its effects, as to call for some change or modification. They urge that in the early times, when tithes were introduced into this country, payments in kind were familiar to the public; that the rent of land and the wages of labour were paid in, and consisted of a specified portion of, agricultural produce; that in providing an endowment for the churches which they built, the founders had no other resource than conferring upon them a specific portion of the produce of land, to be received in kind, like rent or wages; but that if they were now alive, and engaged in making a suitable provision for the maintenance of an established hierarchy, it would be arranged on different principles, and in another form. They further allege, that the present system checks agricultural enterprise, prevents the outlay of increased capital in the improvement of the soil, and forms a barrier against the extension of tillage over the unreclaimed wastes and commons of the empire. To these objections they add, that 'the tithe-system is, in fact, pregnant with disputes between the clergy and their parishioners; with altercation and animosity, more or less, about things temporal, where things eternal should engage the thoughts, and be the only serious business.'

It cannot be denied, that the objections thus advanced against the mode in which the revenues of the clergy are now raised, together with any plans suggested for the removal of the inconvenience alleged to attach to the present tithe system, are entitled to a candid and dispassionate consideration. The extreme importance of the subject renders it necessary that all these points should be distinctly canvassed.

The only real ground on which tithes can appear at all objectionable in the eyes of a philosophical and candid economist, is the allegation, that they impede the outlay of capital on the improvement of land already in tillage, and the extension of cultivation to wastes hitherto unreclaimed; thus diminishing the quantity of produce which the soil of this country would have been made to yield if the exertions of its cultivators were not checked and discouraged by the claims of the tithe-owners. That the tithe system, whatever may be its demerits in other respects, is responsible for the evils here laid to its charge, is, we think, somewhat problematical. That it may, in particular instances, have some degree of influence upon the quantity of capital now laid out on land in a state of tillage, must, perhaps, be admitted; but that it operates to the extent sometimes ascribed to it, is a proposition which cannot be established. It is well known to persons at all acquainted

acquainted with this subject, that under the operation of the very large number of inclosure bills passed during the reign of the late king, as well as of various other legal exemptions, a large proportion of the land of this country is now tithe-free; and it is equally well known to those who are extensively conversant with the general state of English agriculture, that the estates thus exonerated from tithes seldom, if ever, exhibit a better or a more spirited system of tillage than adjoining properties which continue subject to this charge.

Some who task their imagination for arguments against tithes, allege that they have the effect of occasioning an undue extension of land laid down in grass, and employed in producing green crops. That the proportion of land producing grass and green crops has been greatly augmented in this country during the last hundred years is undoubtedly true; but this is neither an evil in itself, nor is it, we apprehend, at all ascribable to the tithe system. It is the natural and inevitable consequence of the introduction of a more intelligent and more profitable system of husbandry than that which anciently prevailed. The supposition, that the quantity of grain grown in any district would be augmented by increasing the quantity of land in tillage, and contracting the extent of surface under green crops, can only arise from overlooking some of the most universally approved principles of agriculture. Every experienced farmer well knows that the extent of land which he can sow, with any prospect of a profitable return, with any of the cereal grains, must depend upon the quantity of manure at his command. He knows that one acre well manured will yield more profit to himself, and more food for the community at large, than three or four acres insufficiently supplied with manure; and he knows equally well that the quantity of manure at his disposal must be entirely dependent upon the green crops which he grows for the support of stock. Thus, while the surface under corn is greatly contracted by the modern system of husbandry, the produce of this diminished quantity fully equals, if it do not exceed, what a much greater extent would have yielded under the old one. The leading and most meritorious characteristic of the system of farming now pursued in our country is this—that it discourages all attempts to grow corn, except upon land properly prepared for its reception by an adequate supply of manure. The extension of tillage beyond the farmer's means of manuring might, for a few years, ensure a greater growth of grain; but there can be no doubt that, on a given series of years, by exhausting the soil and providing no adequate means of renovating its lost vigour, such a practice would end in diminishing produce and injuring the public.

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The objection raised against the tithe system, on the ground that it obstructs the enclosure of waste land, is purely theoretical. Few, if any, instances have occurred, (or can, without some change in the law, hereafter occur,) of dividing and enclosing a common or a waste in England without the sanction of a special act of parliament. Since the commencement of the eighteenth century it appears that upwards of three thousand enclosure bills have been passed. In the greater number of these cases, the tithes have been commuted, either for a corn rent or an allotment of land; and in a considerable number of the enclosures thus effected under the authority of local acts, not only has the waste or common land, which it was proposed to enclose and reclaim, been exempted from the payment of tithes, but the same system of commutation has been extended over the cultivated and enclosed parts of the parishes. As a waste, or a common, cannot be enclosed without an act of parliament, and as these bills, when passed, have generally effected a commutation of the tithes, it is manifestly erroneous to maintain that the tithe system has practically obstructed the division and enclosure of unreclaimed wastes. In many instances it has undoubtedly been productive of a contrary effect. The desire of extinguishing tithes on lands already enclosed, has impelled the proprietors of many parishes to apply for private acts of parliament, where the advantages to be derived from the enclosure of the waste would not have appeared alone sufficient to induce them to incur the expense necessarily attendant upon such a measure.

The most formidable objection to the tithe system is, probably, the circumstance that it is repugnant, not to the interests of the public at large, when dispassionately considered, but to the feelings of a considerable portion of the community. This feeling arises, no doubt, from prejudice and misconception; but it is to be feared that it is too powerful, and too deeply rooted, to be shaken by any reasoning; and that it sometimes converts persons, who would otherwise continue warmly attached to the church, into lukewarm friends, if not into open and professed enemies. On this ground, it must be conceded that any arrangement or modification of the system, which would conciliate the feelings—not of all those who cavil at tithes, for this would be altogether impracticable without their entire abolition—but of the more moderate and reasonable portion of the public, while it effectually secured the interests of the tithe-owners against any real and permanent injury, would unquestionably add very greatly to the stability and efficiency of the church of England. From the general ability which prevails among its ministers—from the zeal and propriety with which its services are generally performed—

formed—there seems to be good ground to conclude that, within the last thirty years, the doctrines and polity of this venerable institution have gained considerably upon the public estimation; and were it not for the irritation which disputes respecting tithes are found sometimes to produce in ignorant, illogical, or prejudiced minds, it is probable that its advance in popular favour would have been still more extensive and conspicuous.

'It is not,' observes a recent anonymous writer, 'difficult to prove the right of the clergy to tithes, but it is absolutely impossible to reconcile the occupier of land to the right of another to any part of the produce of his skill and toil. He sees not the force of analogy, or the virtual resemblance of the tithe-owner to the land-owner, both of whose demands are equally original and paramount, and both of whom follow the improvements of the tenant with a proportionate increase in their demands; but he sees and deprecates the hand that fastens upon the fruit of his labour, taking up that which it laid not down, and reaping that which it did not sow. The prejudice is invincible, the feeling natural, the consequence inevitable. No man can be either loved or listened to, while there is a prejudice against the disinterestedness of his conduct, and while the wants and passions of men are in mutiny against his reproof and persuasions. Even with the gospel on his side, he is no match for such hostility. In such an atmosphere the rod of the priest can "bring forth no buds," "the rose of Sharon" withers on its stem, and the "vine" can yield no "tender grapes." Vain is the ministry of him who is at once the plaintiff and the priest, the prosecutor and the pastor, the guardian of the flock and the sharer in the fleece. There are associations implanted in the human breast, which may be modified to good purposes, but which can never be reasoned into silence—that belong to certain prejudices, which, though leading sometimes into practical mistakes, and often crossing the best laid plans of a particular economy, help on the whole to incline the scale to the virtuous side, and to keep up in the great mass of human beings a diffusive sympathy of moral feelings and predilections. Among these is that prejudice which associates with the sacred service of the gospel habits of a higher order than those which are necessarily brought into exercise in the mean contentions about rights and dues, and little things of vulgar sound and illiberal concern. It is hard for him who has spent the week, or any part of it, in driving bargains, or (which is indeed by far the more frequent case) in resisting impositions, in questions of right and compromise, to emerge on the Lord's day to the serene summit of his high and holy duty; and still harder for uneducated minds to forget their grudges and complaints, and accept from him whom they deem their oppressor, however erroneously, the lessons of peace and Christian gentleness; but hardest of all for the pastor of a parish to blend with his adverse dealings on these temporal subjects, that weekly intercourse of spiritual affection and

and comfort, in which the language of Christ and his gospel should alone be heard, healing the soreness of mutual irritation and unneighbourly strife, with the power of its "new commandment" to love one another.

'We are sufficiently aware that it is a base and unprincipled calumny, which imputes to the clergy the general practice of demanding more than their right, or of embarking vexatiously in litigation with their parishioners. And we are ready to admit the force of the argument in favour of the rectitude of their conduct from the issue of the legal contests in which they have been engaged. That out of seven hundred suits on account of tithes brought by the clergy, in the Court of Exchequer, from the year 1660 to 1713, six hundred were determined in their favour, is a fact that speaks strongly for the equity of their proceedings during that period; and we doubt not that their claims have from that time to the present been equally well founded. But still even this fact, while it tends so strongly to exculpate the clergy from the imputation of exaction, or a want of justice, throws upon the system of tithes itself the charge of stirring into action the worst principles of our nature, of provoking discord and contention where peace and love ought eminently to prevail, and of defeating the very end for which the church of Christ was established, not simply to provide a maintenance for its ministers, but by the agency of its ministers to promote "peace on earth, and good will towards men."'—*Essay on the Tithe System*, p. 27—30.

Every man who takes a correct view of the true interest of the church itself, as well as of the community at large, must heartily desire that some expedietn could be hit upon to diminish, if not put entirely an end to, the contentions and heart-burnings thus touchingly and eloquently described. The settlement of a matter, involving interests so important and so numerous, must, of course, be attended with many difficulties; but the difficulties of the sort of arrangement which is alone practicable, and which ought to content the interested parties, would not, we are humbly inclined to think, be found quite as great as many of our readers may have accustomed themselves to apprehend.

A permanent and entire commutation of tithes, either for grants of land, money payments, or corn rents, would hereafter be attended with so many ill effects, that no real friend either of the church or the public will give countenance to such a proposal. If land were generally given in lieu of tithes, a considerable proportion of the soil of the kingdom would be thrown into mortmain: upon a moderate computation, a fair compensation for the tithes would amount to one-sixth of the whole of the land now subject to that charge. The diminution of produce which would inevitably be occasioned by placing a large extent of our soil under the management of tenants for life, who, from their habits

habits and education, cannot be very conversant with agricultural concerns, and who, indeed, would have no interest in the permanent improvement and amelioration of their allotments, would unquestionably far more than exceed any increase which could be reasonably anticipated from exonerating the remainder from the payment of tithes. It thus appears, at least, very doubtful whether a grant of land to the church, in lieu of tithes, would have the effect of removing the objection urged against ecclesiastical endowments, on the ground that they tend to diminish the whole amount of agricultural produce extracted from the soil.

But to a general commutation of tithes for land, there exist other objections of a character too important to be altogether overlooked. It is to be feared that such a measure, if carried into full effect, would, in the end, prove the means of stripping the church of all its endowments. Greedy and unprincipled persons have at all times cast a longing eye upon the property of the establishment; and no future age will be found without a succession of such characters. The property which the church now holds is not, perhaps, sufficiently concentrated and tangible to excite to its highest pitch this individual cupidity; but if it existed in the shape of farms and homesteads, it would sooner or later fall a sacrifice to unprincipled rapacity: in a moment of public confusion or agitation, some pretence would be laid hold of to recommend its confiscation. This was the true cause of the suppression of the religious houses in the reign of Henry VIII. Had they possessed no estates to whet and fix individual appetite, it is somewhat probable that the alleged corruption of their inmates would not have much disturbed the conscience even of that pure-minded monarch and his disinterested courtiers.

'It is not,' says a very sensible writer on this subject, 'too much to assert that if the consolidation of tithes into estates had taken place four centuries ago, each of several subsequent governments would have gladly seized an opportunity of confiscating them. From the rapacity of Henry, and the unprincipled subtlety of Cromwell, had the revenues of the church hinged upon a tangible property, the establishment had in all probability been irrecoverably lost. To have been preserved, after passing through such fiery ordeals, is a strong argument in favour both of the principles upon which the establishment is founded, and the system by which its administration is maintained. Although, probably, at a distant period, yet such profligate and unprincipled governments may again exist; and it would seem to me an act of madness to place the church in such a situation that it might easily become a prey either to popular fury in the frenzy of a revolution, or to the views of any unprincipled ruler.'

'After the convulsions of states nothing is found so materially to oppose the return of order as the restitution of confiscated property; and

and when order has been restored, this is often found a point of most difficult accomplishment, if not a source of fresh disturbance. But the restoration of tithes, or at least the right to the enjoyment of them, would present no difficulty in a state recovering or recovered from its domestic distractions; they would revive of themselves with the general recurrence of tranquillity. This elasticity in the nature of tithes, considered as property,—this tenacity of life, by which their existence through periods of general disorder and spoliation has been preserved, and continued down for an uninterrupted succession of rightful claimants, undisturbed by forfeiture, escheat, or confiscation, to the times in which we live, is an advantage in favour of this mode of providing for an ecclesiastical establishment which has not always attracted sufficient attention.'

Another objection to the substitution of land for the present mode of providing for the clergy, arises from the apprehension that it might have a tendency to relax their attention to their parochial duties. While each inhabitant of a parish contributes his proportion of the incumbent's emoluments, a perpetual sense of the connexion between the duty and the stipend is kept up in the minds both of the payer and the receiver. The ecclesiastic is taught to regard what he receives as the reward of his services; and the parishioner to look upon the payment of tithes as entitling him to exact from the minister a faithful and diligent performance of his ecclesiastical functions. If the incumbent drew his emoluments from the rent of a farm, it might, perhaps, in the end, lead to a relaxation of his vigilance; and the parishioners, feeling that they paid him nothing, would be found less reluctant to connive at or acquiesce in his negligence. If he happened to be a goodnatured and inoffensive man, they would consider him merely in the light of a neighbouring landowner, and give themselves little trouble or concern about the mode in which he discharged his professional duties. This is exemplified in the present condition of too many of the grammar-schools, which the munificence of individuals has founded in different parts of the country. The revenues of these institutions are generally derived from the profits of estates left for their sustentation. In too many instances the intentions of their founders are very imperfectly and negligently observed. In some cases they have become absolute sinecures in the hands of their incumbents,—who are seldom disturbed, because there is no particular body, like the inhabitants of a parish, who pay their stipends, and who, in consequence, feel that they have an interest, as well as a right, to exact a due adherence to the conditions on which these endowments were granted.—While, therefore, it is indisputable that the occupiers of land bear, in reality, no portion of the burden of the tithes which they pay, it is still most desirable that no arrangement should be made for the commutation

tation of this charge upon land, tending to weaken, either in the minds of the parishioners or of the incumbent himself, the impression, that his professional emoluments constitute a compensation for the due discharge of his professional functions; and that, without the strict fulfilment of this condition, he has neither in equity nor in honour any title to the profits of his benefice. The annually recurring payment of tithes, or a composition for tithes, tends to quicken the eyes of the parishioners—who, although the sum thus contributed does not come out of their property, may be justly considered in the light of a permanent body of guardians and trustees, appointed to watch over the objects which the founders had in view. The incumbent may, no doubt, say—'The burden of tithes does not fall upon you; you merely pay me a rent charge which was laid upon the land which you now occupy by the owner of the property a thousand years ago,—subject to this rent-charge your landlords purchased, and you rent your farms.' But the parishioners may also reply:—'True; these payments do not really come out of our own property; we have, however, an interest in the proper management of the parochial institution which the founder endowed; if you do not faithfully discharge the various duties which the laws of the land, according with the intentions of the founder, attach to the office which you hold, we have a right —not, indeed, to withhold the emoluments of the benefice, or apply them to purposes not contemplated by the giver of the endowment, but to appeal to the proper authorities to punish your remissness, and correct your irregularity.'

Fixed money payments would be found, in practice, more objectionable than even grants of lands, as a permanent commutation for tithes. This mode of commutation not only makes no provision for the increase of produce and population, which may, and, indeed, inevitably must, take place, from the progressive extension and improvement of tillage, but its equity is liable to be further disturbed by an alteration in the value of the standard in which it is computed. If the tithes of this country had, for instance, been commuted for money payments in the reign of Henry VIII., a benefice which now yields its incumbent an income of perhaps two or three hundred pounds per annum, would have been worth no more than the insignificant sum at which it is rated in the king's books. This sum was equivalent to the profits of the benefice at the time of that survey; but from the fall which has subsequently taken place in the value of money, it has become merely nominal. It appears probable that any commutation settled upon the basis of a money payment, would, in the course of one or two centuries, prove tantamount to the actual extinction of tithes. So evidently objectionable,

indeed, does this plan of commutation appear, that we are not aware that it has been recently proposed or advocated, except by persons who openly avow the desire of abolishing ecclesiastical endowments altogether.

There remains to be considered but one other mode in which the acknowledged inconveniences of taking tithes in kind might be obviated. It has been proposed that a corn-rent should be substituted for tithes; that the tenth of the produce, or the tithe of each estate or farm, should be fixed at an invariable quantity of grain, either to be rendered in kind, or compounded for upon the average market price of corn in each year.

About two centuries ago the tithes of Scotland were commuted upon this principle. The owner of an estate was empowered to demand that an estimate should be taken of the amount of its produce, calculated in bolls of grain; the tenth part of this estimate either to be rendered in kind, or compounded for in money, attached to the estate as an annual rent-charge; and the property thus valued became henceforward exonerated from any additional demand on account of tithes. This arrangement has been loudly and warmly extolled; and it must be admitted that it has put an end to the unseemly disputes about tithes, which, in this country, too frequently interrupt the harmony that ought to prevail between an incumbent and his parishioners. We in so far, therefore, concur in the eulogies which have been bestowed upon the northern arrangement; but our approbation of one most desirable effect, which has resulted from that measure, must not be permitted to blind us with respect to another point of almost equal importance to the public, in which the scheme of our Presbyterian neighbours has, in practice, turned out essentially defective. It contains no provision for the increase of population necessarily consequent upon the extension and improvement of tillage. From the extent of waste land which has been reclaimed, and from the improvement which has taken place in the practice of husbandry, since the period when that commutation was carried into effect, the agricultural produce of Scotland has been augmented beyond all calculation. But although the wealth and population of that part of the empire have been daily increasing and extending in all directions, the incumbents of Scottish benefices have made no corresponding movement in advance; they are, at the very best, left in the same position which their predecessors occupied in the beginning of the reign of Charles I. Even where they receive the whole of the *tiends*, they are only entitled to the quantity of corn which was adjudged equal to the tenth of the produce of the land under tillage in the parish at that period. From the produce of land subsequently reclaimed, or rendered more productive

ductive by an improved system of tillage, they do not receive a grain. The Scottish clergy are called upon to extend their ministrations over immense districts, which have been reclaimed and brought under cultivation: for the additional duties thus devolved upon them, the laws of their country give them no right to claim the slightest compensation; nor have we been led to understand that they derive any from the spontaneous liberality of the landowners, who have really reaped the sole advantage of the much-vaunted arrangement of Charles's government.

If the authors of that measure had provided that a fresh estimate should be taken of the produce of each parish after the lapse of a period not exceeding twenty or thirty years, they would have secured to the public at large the full benefit of the harmony and peace expected to accrue from the permanent settlement of the tithe question—and they would, moreover, have left the rights of their clergy entire. As a body, we are well acquainted with the clergy of the Church of Scotland; and we are sure we shall excite in no quarter any feeling, except that of unmingled satisfaction, when we say that a more useful and meritorious body of ecclesiastical functionaries is no where to be found. Sincerely entertaining these sentiments with respect to their merits, it is painful to reflect, that while every other class in Scotland has been moving forward with unexampled rapidity, the condition of its churchmen has remained, and must remain, stationary. It may, in fact, be truly stated, that, looking at this body relatively to the rest of the community, their condition is daily growing worse. Most of them have families to maintain and put forward in the world: this, from the more expensive habits of modern times, throws an increased burthen upon their shoulders, while their means of sustaining the load are susceptible of no increase. Nor does it lessen the feeling of regret which this circumstance excites in our minds, when we recollect who it is that reaps what is thus withheld from the Scottish ecclesiastics. Neither the working labourer nor the actual farmer derives the slightest advantage from the bar which the law has thus raised against the ancient claims of the Church of Scotland; the whole of the difference between the present stipend of a Scottish benefice and the present improved value of the tenth of the produce of the parish goes into the pockets of the landowner. Now, for our parts, we must be allowed to observe, that, setting religion out of the question, we had, as a mere matter of taste, rather see this difference expended by the minister on the spot from which it accrues, than disposed of as it is now, in swelling the 'tail' of some absentee lord or laird, who seldom, if ever, sees the district from which it is drawn. Supposing a fair equivalent for the present value of the tithes of a Scottish parish should even

make an addition of 100*l.* per annum to the stipend of a pains-taking and diligent minister, we are not aware that any person would feel violently aggrieved, although this appropriation of it should produce the effect of abstracting that amount from the present revenues of the lay-landlords. We really must be allowed to think, that, with respect to the community at large, and more especially with respect to the inhabitants of the district whence this revenue is derived, the necessarily resident ecclesiastic would dispose of this surplus income as beneficially as the generally absent, or even as the generally resident, layman.

We are tempted to adduce in this place an instance of the keenness with which some Scottish proprietors are found capable of asserting the claims which the law has given them to the ancient endowments of their national church. The law of their country is, that when a valuation of tithes has been once made, this is unalterable: the quantity of grain due to the incumbent having been once settled can never be increased. The records of the valuation of certain parishes, made towards the beginning of the seventeenth century, were accidentally lost. From this circumstance, these parishes became once more subject to tithes. In the course of time, the *heritors* applied for, and obtained, a new valuation. This second valuation had been acted upon for a long series of years, when the original records were accidentally discovered, about twenty years ago. A short time before that discovery, one of these parishes had, by purchase, become the sole property of the person to whom it now belongs. On searching this newly-found treasure, it appeared that the second valuation exceeded the old one by about twenty bolls of grain. This discovery the purchaser, or perhaps we should rather say his legal advisers, seemed in no wise disposed to overlook: he instantly ordered twenty bolls of grain to be deducted from the stipend which for upwards of a century had been paid to each succeeding minister, although he had purchased the estate charged with this stipend. Now, we should suppose, that even in a court of law this would be deemed what is technically called sharp practice; and plain men, who look at it in a moral light, will perhaps doubt whether it was even an honest proceeding. We are very sorry to say, however, that the example is not a solitary one.

In the recent settlement of the tithe-laws in Ireland, a provision has been made for this prospective inconvenience. The legislature, feeling very properly that it has no constitutional right to force either the receivers or payers of tithes to enter into a composition, has contented itself with giving facilities and effect to such an arrangement, if it should be formed by the parties interested. This law empowers the incumbent, together with the majority

majority of tithe-payers assembled in vestry, to nominate two arbitrators to set a value on the tithes: should these arbitrators fail to agree, they are empowered to appoint an umpire, whose award is binding upon the incumbent and his successors, as well as the parishioners, for the term of one and twenty years. This composition is then aplotted at so much per acre upon the land, which must thenceforward be let to the occupier tithe-free;—it being enacted that a receipt for the payment of tithes by the farmer shall be considered, *pro tanto*, as a liquidation of rent due to the landlord. At the expiration of the term of twenty-one years, the right to tithes revives; when, if the parties think proper, they may proceed to arrange a new composition. It is also provided by this act, that at the end of every term of seven years, the incumbent may demand an addition to, or the parishioners a deduction from, the amount of this composition, proportional to the rise or fall which may have taken place in the average price of corn during the seven preceding years. This measure was viewed, in the first instance, with considerable jealousy and suspicion by the ecclesiastics of Ireland; but the practical experience of the very few years which have elapsed since the passing of that act, has, we believe, removed all their alarms, and perfectly reconciled them to its operation. It promises to remove all discontent, as it will undoubtedly remove all just grounds of complaint, upon the subject of tithes: it will make this burden appear both to the community at large, and to the occupier of the soil, in its true light—as a portion of the rent of land, which, if it ceased to be paid to the incumbent, would be exacted by the owner. It will also leave the cultivator to prosecute his improvements without being annoyed by the feeling that a third party will step in to participate annually in the fruits of his industry. It will place the incumbents of Irish benefices in a peculiarly favourable position with respect to the peasantry. That turbulent but penetrating race, whatever may be their religious persuasion, will by degrees learn to regard the protestant clergy as, *at worst*, a body of resident proprietors, who take shillings from the pounds which would otherwise pass entire into the hands of other landlords, who are most probably aliens and absentees.

This excellent and well-timed measure will, we doubt not, realize the most sanguine expectations of its authors. It has given very general satisfaction to the laity; and so far is it from having compromised the true interests of the protestant establishment in Ireland, that we are of opinion it will add incalculably to the strength of the basis on which that establishment rests. In a very considerable number of parishes it has already been carried into

into full effect; and as the advantages accruing from it are daily becoming more conspicuous, there seems no reason to doubt, that, in the course of time, it will be universally adopted. In one party only—in the factious and systematic disturbers of the peace of their native island—has it excited any feeling of dissatisfaction. This pestilent crew possess sagacity enough to perceive its healing effects, and it requires neither argument nor evidence to prove that they possess also malignity enough to hate it on that very account. The fierce and turbulent demagogue is well aware, that when this measure shall have come into full and general operation, he will possess one 'raw' the less to rub when he wishes to excite the deluded peasantry to acts of insubordination and violence.

Having thus shown what has been done for the regulation of ecclesiastical revenues in other parts of the empire, we must now return to the state of the tithe-laws in this portion of his Majesty's dominions; and in viewing this matter calmly and candidly, we are constrained to admit that it appears to merit the careful consideration of all persons who feel a sincere interest in the stability, as well as efficiency, of the church of England. We feel quite persuaded that a modification of these laws might be carried into effect, which would give very general satisfaction to the laity, without trenching upon either the rights or the revenues of the clergy. Some measure, analogous at least in principle to that which seems to work so well in Ireland, might, we think, be very beneficially adopted here. Holding the opinions which we are known to entertain with respect to the rights of the clergy, we shall not, we are sure, be suspected of putting forward this suggestion from the covert wish of diminishing their revenues. All we ask for is, that the incumbent of an English benefice, and his parishioners, should, if so inclined, be empowered to relieve themselves and their successors, for a period of twenty-one years, from the inconvenience and irritation produced by annual bargainings for tithes. Securing to the incumbent the full amount of the income which he is entitled to derive from his benefice, we would fain relieve him and his successors from the ungrateful necessity of drawing his tithes in kind. The true friends of the church of England should set themselves heartily to work, and endeavour to digest some plan which would effectually secure the integrity, as well as permanence, of ecclesiastical revenues, while it would remove the practical grievances attendant upon the mode in which they are now levied.

The failure of all the attempts which have been hitherto made to remedy the chief defect of the English tithe-system, is to be ascribed to the circumstance, that, in the greater number of instances,

stances, they have been brought forward at the instigation, and under the auspices, of men secretly, if not avowedly, hostile to the ecclesiastical institutions of the country, and whose real views, it was seen or felt, pointed not at the removal of the practical inconveniences of our tithe-laws, but at the plunder of our church endowments. No wonder that every honest friend of the establishment should have shrunk from proposals, which, under the plausible guise of regulation, aimed virtually at spoliation. But we would gladly indulge the hope that the moment is now approaching when the clergy themselves may be induced to give their cordial concurrence to, or even take the lead in, an honest and fair application to the legislature to relieve them, in some degree, from the invidious and troublesome situation in which they are placed by the tithe-laws as they now stand.

As a body, they feel how obnoxious would prove the practical exertion of their right to collect their tithes in kind; and, in order to escape from this dreaded alternative, ninety-nine out of one hundred ecclesiastics are content to sacrifice no inconsiderable portion of what they know to be their just due; but the hundredth individual, less scrupulous than his brethren, asserts perhaps his right to its full extent, and by that means draws down the obloquy of the system upon the whole body. It may indeed perhaps be true that the incumbent, who, thus regardless of all consequences, rigidly exacts his due, and takes his tithes in kind, obtains from his benefice something more than would be awarded him as a fair composition. But to compensate for this possible defalcation in the receipts of the rigid ecclesiastic, we are fully convinced that the ninety-nine incumbents who now, for the sake of peace and harmony, consent to receive less than they are entitled to, would, under the contemplated arrangement, derive an augmentation of income from their benefices. We believe it indeed to be true, that the indulgent and forbearing manner in which the claims of the church are usually enforced, is the real cause of the obloquy which attaches to the practice of levying tithes in kind, when it does take place in particular instances. The levying of tithes in kind is, we believe, much more common in Kent than in any other district of England. A very large proportion of that species of property belongs to lay-owners, who, being generally resident on the spot, seldom compound for their tithes; but although thus rigidly exacted, we have reason to know that complaints against tithes are much less frequently met with in that county than elsewhere. The practice has been continued, probably without interruption, from the date of the original endowment down to the present time; and being thus both ancient and common, it produces neither disappointment

ment nor irritation on the part of the farmer. In all our other counties, the ancient mode of levying ecclesiastical dues has fallen into almost universal desuetude; and when, from the obstinacy and wrongheadedness of his parishioners, an individual incumbent happens to be driven to revive a practice which by no possibility can exact more than what is due to him, the farmers generally contrive to make the 'welkin ring' with complaints against his extortion. It may, by the way, be added in this place that in no other part of his majesty's dominions is agriculture prosecuted with more enterprise and success than in the county of Kent—not excepting the numerous parishes in which the tithes have invariably and immemorially been taken in kind; a tolerably conclusive proof that the theorists considerably overrate the influence of tithes in checking agricultural improvements.

Upon the whole, however, we are convinced that, on mature reflection, the clergy of the established church will perceive, that from the change which has taken place in the feelings and habits of society, the frequent recurrence to the practice of taking tithes in kind is become impolitic and inconvenient, that it tends to lessen the efficiency of the institutions which these endowments were destined to uphold, and even to endanger their permanency. It places them in what the politicians call 'a false position,' with respect to the community at large. It forces them into disagreeable collision with their parishioners, and gives designing men, who pant after the destruction of the church not only for the sake of its endowments, but also for the sake of weakening other institutions, of which that venerable establishment is known and felt to be the main support, a plausible pretence for propagating popular delusions, with respect to the pressure of tithes, the most inconsistent as well as dangerous. To the landowners they represent them as an unjust encroachment upon their incomes; to the land occupier, as a drawback upon his fair profits; and to the other classes, as a tax which enhances the market price of the titheable articles which they consume. That all these views, as to the pressure of tithes, cannot be just is quite clear,—for any one of them, being established, would necessarily destroy the other two,—but we feel quite certain that none of the three has the slightest foundation. We have, in another place, shown that tithes can have no effect upon the money price of the agricultural produce on which they are levied; that they make no drawback upon the profits of the tenant, because the amount of this charge is taken into account in settling the amount of his rent; and that they are not an unjust encroachment upon the landowner, because his estate was purchased subject to this charge, and the price paid by himself or his predecessor diminished accordingly.

accordingly. But although the opinions above stated are mere delusions, still we are aware that they prevail to a considerable extent; and the impression which they produce is frequently as injurious to the establishment as if they were well founded. A fair composition for the claims of the church, renewable at the end of a period of moderate length, would strike at the root of these delusions, place the clergy in their right position before the public, and make them appear, what in truth they are, mere partners with the landlord in the surplus produce of the soil,—receiving out of that produce a money income, which, if not paid to an ecclesiastic, would be inevitably added to the rent.

A well-digested arrangement of this nature would gradually put an end to the absurd notions which are frequently obtruded upon the public with respect to what some persons are pleased to call the cost of our ecclesiastical institutions. We are perpetually reminded of the great cost of the church of England, and of the cheap manner in which the clergy of other establishments are subsisted. This is a sort of nonsense which may pass off extremely well at a Westminster election. The truth is, that neither ecclesiastical, nor any other institutions, supported by endowments set aside for that purpose, be the amount of these endowments much or little, can, without the grossest perversion of language, be said to cost *the public* anything. The church of England costs the public no more than the church of Scotland, and the church of Scotland no less than the church of England,—for neither of them, in fact, cost the public anything, each depending for support upon endowments set aside for their support, not by the public at large, but by private benefactors. The eulogists of the church of Scotland seem to think that the merits of that establishment accrue from what they call its cheapness, or from the smallness of the stipends which its ministers receive: this is a misconception. The efficiency of that establishment arises from its discipline, which, by rigidly enforcing the personal residence of each incumbent, ensures the diligent and faithful discharge of his ministerial functions; but we see no reason to conclude, that, the same excellent system of discipline being continued, the utility of this body of ministers would be diminished, even if their stipends were doubled out of the rents of the landowners, who, now-a-days, are so frequently non-resident, except in the grouse season.

But, admitting that the endowments of our parochial churches were originally derived from the munificence of individual founders, some of our modern reformers allege, that they were not designed for the exclusive use of the incumbents of the benefices to which they are attached; they tell us that the revenues of parochial benefices were intended by their donors to be divided into four parts:

parts: one part to be set aside for the maintenance of the incumbent; a second for the fabric of the church; a third for the use of the bishop of the diocese; and the fourth for the support of the poor. This theory respecting the original appropriation of ecclesiastical revenues arises from the historical blunder of confounding the period when the Christian clergy depended for a maintenance upon the *voluntary* contributions of the faithful, with the subsequent era in which the revenues of the church accrued, not from such offerings, but from permanent endowments. In the primitive ages of the church, the early Christians conceived themselves under a moral obligation to set aside some portion, generally a tenth part, of the fruits of their industry, for religious purposes. This was an offering which every member of the Christian community considered himself bound to make at the altar or church which he attended for divine worship; it was, however, an act purely voluntary, and enforced by no law or canon. Each individual was, in fact, at perfect liberty to make his offerings where he pleased, and of what amount he pleased. But as a tenth was generally so appropriated, these voluntary offerings were, in the ordinary language of that period, denominated *tithes*, —although, in its modern acceptation, that term was not strictly applicable to them. The expression 'tithes,' wherever it occurs in the old canons, did not, therefore, mean the tenth of the produce of land, but solely the voluntary offerings which were set aside for ecclesiastical purposes, in the early ages of the church; and which varied in amount, according to the ability and liberality of the donors. The general fund thus raised by the spontaneous liberality of the faithful, was placed under the control of the bishop, to be disposed of at his discretion. A part of it, of course, he appropriated to his own support; for, at that period, he had frequently no other source of revenue; a part was disposed of in the maintenance of the clergy who, before the foundation of distinct parishes, lived in the neighbourhood of the episcopal residence, and were sent forth as itinerant missionaries to preach in different parts of the diocese; a part was also expended in repairing and preserving the fabric of the cathedral church; and another part was laid out, not, as is sometimes imagined, in affording indiscriminate relief to the whole body of the poor residing within the district attached as a diocese, or, as it was then called, 'parish,' to each cathedral, but in relieving such members of the Christian body, as happened to be in indigent circumstances. The Christian community, at that time, maintained its poor in the same manner as the Quakers, at the present period, support their necessitous brethren. The four parts into which the ecclesiastical fund of these early ages were divided, were not, it must be also observed,

observed, equal in amount: they varied with the fluctuating necessities of each particular period; the bishop was the trustee and distributor of this fund; and, according to his own discretion, he laid out, on each of the four objects above specified, sometimes more, sometimes less, as circumstances required.

But this fourfold division of the ecclesiastical funds fell gradually into disuse, as the cause which gave it birth ceased to operate. In the progress of time, permanent endowments were conferred upon the church, which rendered the fluctuating and uncertain contributions of its members no longer necessary. Princes, as well as private benefactors, endowed the cathedral church with grants of land for the support of the episcopal dignity. Thus deriving an adequate income from real property, conferred upon the see in perpetuity, the bishop was enabled to dispense with the portion which had been usually allotted to him from the general fund, raised by the voluntary contributions of the believers. The *fourfold* division was no longer heard of, the whole fund being subsequently divided into *three parts* only: one for the clergy who continued still to live near the cathedral, and itinerate throughout the various parts of the diocese where no parochial churches had yet been endowed; one for repairing the cathedral edifice; and one for relieving the poor members in actual communion with the Christian church. But the lords of manors, situate at a distance from the cathedral church, became gradually converted to Christianity, and built churches upon their estates. These churches they also endowed with a certain portion, generally a tenth, of the produce of their estates, in order to secure the services of an incumbent regularly and constantly residing among their tenants and dependents. As soon as a manor was, by the voluntary act of its owner, thus converted into a parochial benefice, it became unnecessary for the parishioners to continue their voluntary contributions on the same scale as they had been accustomed; for, with the exception of the maintenance of the poor members of each Christian congregation, the objects originally accomplished by these periodical collections were now amply provided for by funds derived from other sources. The parish churches, which by degrees spread throughout each district, were in most cases built at the sole cost of the lord of the manor, who also imposed upon his land the burden of repairing them thenceforward. The tithes with which each parochial benefice was endowed by its founder, furnished the incumbent with a certain and definite maintenance totally independent of the voluntary liberality of the parishioners. Out of the four purposes to which the fund, raised in the early ages of the church by the voluntary contributions of its members, was applied, three were thus provided for from permanent sources; and the division of these voluntary offerings, being

no

no longer necessary, fell into disuse. It is no doubt true, that after parish churches had been built by the lords of manors, and endowed with the tithes of their estates, the weekly collections, which originally formed the only source of ecclesiastical revenues, were still continued in each congregation. But this fund, instead of being, as it was originally, divided into either three or four parts, and applied to three or four different purposes, was thenceforward appropriated *entirely* to the maintenance of the poor. These weekly collections continued to be made and applied to this purpose until they were gradually superseded by the operation of our present system of poor laws. Poor boxes were every Sunday sent round among the congregations assembled in our parish churches until the 43rd of Elizabeth made a certain provision for the poor. This custom, which still prevails both in Scotland and Ireland, where there exists no regular provision for the poor, is frequently alluded to in the ancient statutes of this realm, enacted for the suppression of vagrancy, and the relief of the indigent. It thus appears, that the endowment of parochial benefices with tithes, instead of taking anything from the poor, really added to their resources. The incumbent of each parish having now a certain revenue, ceased to absorb any portion of the collection raised by the voluntary liberality of his congregation; and this new arrangement secured to the poor the whole of a fund, of which, before the introduction of endowments, only a fourth or a third part fell to their share.

No ancient record, of the slightest pretension to authenticity, contains any allusion or expression which affords ground for maintaining that the tithes with which their founders endowed parish churches were, at any period of our history, actually divided into either four or three parts; or that any portion of these endowments was ever designed by their donors for any other purpose than the maintenance of the clerical incumbents. There is, indeed, abundant evidence to prove, that so recently as the middle of the thirteenth century, the patrons of churches conceived that the tithes of parishes, the tenth of the produce of the land (not the offerings and oblations made at the altar, although these were still of considerable amount) were, even then, at their absolute disposal. Numberless documents, of undoubted authenticity, are still extant, by which the tithes of particular districts are, whole and undivided, conferred by their proprietors upon religious houses. In none of these grants will there be found any reservation—any allusion to the bishop's portion, to the poor's portion, or to the incumbent's portion. When hundreds of these grants, still extant in our public and private collections, contain no mention of the division of tithes (meaning the tenth of the produce of the land, in contradistinction to the voluntary offerings

ferings and oblations made at the altar on festivals) into portions, it is absurd to pretend that such a practice ever prevailed in this country with respect to specific endowments.

It is clear, then, that the division of *tithes* either into three or four parts, which has recently been so much insisted upon, was merely an old custom, occasionally enforced by the canons, and applicable solely to the period in which the clergy and the poor were supported exclusively, not by what we now call tithes, but by the voluntary contributions of each congregation—in other words, the period which preceded the foundation and endowment of particular churches. It may, indeed, be very truly urged, that to enforce the division of the endowments conferred upon parochial churches by the munificence of individual founders, would have been a stretch of authority beyond the jurisdiction which, even in the plenitude of power usurped by the church during the middle ages, could have been claimed for the canon law. These canons were enacted, sometimes by an individual bishop for the regulation of his own diocese—sometimes by an assembly of bishops, for the government of a whole district or province. But, in all these cases, the due exercise of this authority could not extend beyond the regulation of the ecclesiastical concerns of the establishment, such as the ordaining of rites and ceremonies, and other arrangements connected with the orderly celebration of divine worship. Neither any individual ecclesiastic, although he were the pope himself, nor any assembly of ecclesiastics, possessed any legitimate authority to interfere with the express or implied intentions of the founders of parish churches, *and divert any portion of the endowments conferred upon parochial benefices to purposes which the donor never contemplated.* When the owners of manors built churches and parsonage houses at their own expense, and endowed them with a tenth of the produce of their land, they merely intended by this measure to provide for an incumbent to be nominated by themselves and their heirs, and not also to support the poor, whom they left dependent, as they had always been, upon the voluntary alms of the parishioners. This being the case, it cannot be admitted that canons, ordained solely by ecclesiastical authority, could justly have deprived the incumbent of a part of the profits of his benefice, in order to appropriate it to purposes which, however laudable in themselves, the founder and endower of the parish church never had in view. If it should be contended, in the absence of all evidence, that the influence of canons, made to regulate the distribution of the voluntary offerings and oblations of the early Christians, had, contrary to the intentions of the donors, introduced a similar appropriation

priation of specific endowments, and that this unauthorised diversion of ecclesiastical funds from their original purposes had obtained even the sanction and confirmation of a parliamentary enactment, it could never prove morally binding. The parties injured by such an unjust and indefensible aggression on the rights of property, would at all times possess strong grounds to apply to parliament for redress.

But the class of reformers who hold that a third or a fourth portion of the proceeds of the endowments conferred upon parochial churches was originally designed by the donors for the maintenance of the poor, go still much farther; they maintain that the whole of our ecclesiastical revenues are the property of the state, and may therefore be diminished, annihilated, or dealt with according to the pleasure of the legislature. Putting on a face of marvellous simplicity, they ask us,

'What can be the meaning of the phrase, that tithes neither are, *nor ever were*, the property of the state? or that the right to these, especially clerical tithes, was probably, too, established on a basis of much greater antiquity than the property of any landed estate in the kingdom? Assuredly it is not meant to say that the state, that is, the community at large, *or any individual under the protection of the legislature, never had a right to do with the land itself, or the whole produce of it, whatever they deemed proper.* It will not, surely, be maintained that there never was a time when Christian clergy were not known in this kingdom, and when, of course, no tithe could have been appropriated for *their* support. If this position cannot be denied, what can be the meaning of saying, that the tithes did not belong to the state? What other power than the legislative authority could have appropriated tithe to the clergy? And if it was not under the power of the legislature, by what right could the clergy acquire it? If the *whole* of the property once belonged to the state, or *to those* to whom the state had assigned it, must not the tithe, which was only a part of the whole, have belonged to it?'

We have quoted the above passage, because it appears to contain the essence of all the arguments which have been advanced to support the modern discovery, that 'tithes are public property, and may therefore be dealt with, modified, or even entirely abolished, at the mere will and pleasure of the legislature.' Now, we fully and freely admit that the premises put forward in the above extract may be true; that, at some remote period, all the land of this country 'may have once belonged to the state;' or, in order to render the expression intelligible, may have been occupied in common by all the members of the community;—that, by division and allotment, this land gradually ceased to be common, and passed into the hands of individual owners as private property; and that these individuals had,

had, under the protection of the legislature, a right to do with the land itself, with the whole produce of it, or with any part of this produce, whatever they deemed proper. But admitting these premises, we are so stupid that we cannot see in what manner they bear out the inference which is drawn from them—that 'ecclesiastical revenues are the property of the state.' Indeed, they seem to us to bear the contrary way. If the individuals into whose hands the land originally passed in a state of severalty, had, under the protection of the legislature, a right to dispose of *the whole* of its produce at their own discretion, we would beg leave to ask whether the same individuals, the same assignees of the state, had no right to do with *a part* of this whole 'whatever they deemed proper?'—to confer a tenth, or any other proportion of it, as an endowment upon parish churches founded by them? This right cannot be questioned. Before the institution of each parish, the owner of the land now included within its limits had the whole of the soil vested in himself as private property. On every principle of natural equity, he could, had he so thought proper, have conferred the whole surplus produce of his land, or, in other words, the fee-simple of his estate, upon the church as an endowment. Hence it appears, that the reasoning advanced to prove that tithes are public property, furnishes the very strongest ground upon which the holder of any species of property can rest his title: instead of invalidating the right to tithes, it establishes this right beyond all cavil and dispute. The opponents of tithes admit that the owners of the estates which now constitute parishes had a legal as well as moral right to dispose of the whole net revenue of their land according to their own discretion: they appear, therefore, singularly inconsistent when they deny these landowners the right of endowing the benefices which they founded with a tenth part of this produce.

In one sense, indeed, the revenues of the church may be justly called public property. They are so in the best and most beneficial application of the term, inasmuch as they are the property of no particular families, but *funds* in which every member of the community, who applies himself to the necessary studies, has at least a chance of partaking—a chain of honours and preferments, by which the poorest and the most meanly born not only may ascend, but have ascended, and are daily ascending, to wealth and estimation in the state, by the development of their talents and their virtues. It is easy to say that the greater number and most valuable of our advowsons are private property; that presentations are often bought and sold; that the higher dignities of the church are often obtained through the interest of different noble families, and conferred on their younger branches, their tutors or their chaplains,

lains. All this, even if true, in its full extent, is not disadvantageous to the country. If a country gentleman give a living to his younger son, instead of bequeathing, as he would do, were his estate tithe-free, the whole of its surplus produce to his eldest son, the arrangement obviously operates as a modification of that which all philosophical reformers have shown themselves anxious to restrain or modify—the *law* or *custom* of primogeniture. If a wealthy citizen purchase a rectory for the second hope of his family, it remains to be proved that the young man will not be as happy in himself, and as useful to his fellow-creatures, as if he were added to the already overflowing list of clerks and commissioners, or if he became a candidate for employment, and ministerial favour, in the public offices, the army, or navy. Nor is it very apparent why the younger sons of noblemen, brought up at the same schools and universities, and treated in the same manner with the children of commoners, should be necessarily more unfit than these last to rise in the church, or a proportion of them to sit with their brethren and kindred in the upper house of legislature. The objection urged against the promotion of persons who have acted in the capacity of tutors, in powerful families, is still more unfounded and irrational; for it is evident that no sane individual, whether patrician or plebeian, would willingly select a fool or immoral person to superintend the education of his son. And when we come to *facts*, and consider how few aristocratical names, in proportion to the whole number, are really to be met with among the English dignified clergy; how many of these private tutors are necessarily of very humble extraction; how large a proportion of livings is in the gift of colleges; how frequently the scholars and fellows of these bodies are selected from country schools and the lower ranks of society; and how universally, we might almost say, how exclusively, these endowments are given to scholarship and good conduct; when, lastly, we recollect that, in the more obscure appointments of the church, there are many so small as to be worth the acceptance of men of humble birth alone, and that, from these, the progress to the highest dignities of the hierarchy, though not very frequent, is neither impossible nor unprecedented—when we consider the real facts of the case, we may, perhaps, be convinced that the establishment which raised Tillotson, and Secker, and Watson, and Moore, and Paley, to say nothing of living characters, from the obscurity of their original circumstances, is by no means the exclusive property of the higher orders, nor always an instrument of corrupt influence in the hands of the administration of the day.

Judging by the language which is sometimes held respecting *the church*, as distinct from and a burden on *the nation*, one might almost

almost suppose that the English clergy were a separate and hereditary caste, like the Levites or the Bramins—a race of strangers introduced from a foreign land, and established, to the exclusion of all the native inhabitants, in the richest Goshen of our islands. But is this the case? Are they not our countrymen, our own kinsmen, our sons, our fathers, our brethren? Are we the poorer for their wealth, any otherwise than as we envy them that which they have, and which we have never possessed? Nay, if that wealth had been otherwise applied, must we not have provided in some other manner for our younger children and poor relations? Surely, then, even if it were granted that the numbers and the endowments of the clergy were greater in England than are absolutely necessary for the due discharge of ecclesiastical duties, a wise legislature would pause ere they destroyed or crippled a system which is productive of so much intelligence, so much happiness, so much, at the least and the lowest, of decency, and decorum, and exterior morality.

It seems indeed by no means easy to comprehend what motives can actuate some of those persons who are found to join in the clamour from time to time raised by interested malevolence, upon the subject of our ecclesiastical endowments. That among the owners of the soil some individuals should receive, without disapprobation, a proposal for curtailing or perhaps for abolishing those revenues, is a circumstance calculated to excite regret rather than surprise; for in every numerous body of men, however respectable, honourable, and upright as a whole, some individuals may be found in whom a feeling of immediate interest is able to stifle the sense of honesty or public policy; but why persons, who, under no possible combination of circumstances, could derive the slightest advantage, either pecuniary or political, from such an act of spoliation,—why English citizens who are interested neither in the property nor in the cultivation of soil,—why the commercial, the manufacturing, and operative classes should join in the clamour against ecclesiastical endowments, whenever it may suit the views of selfish or unprincipled demagogues to raise it, cannot be explained on the ordinary principles which regulate human conduct. If the sequestration and secularization of these endowments could indeed yield the most trifling advantage to any one of the individuals composing these several classes,—if such a measure held out the prospect of increasing the wages of the labourer, or the profits of his employer, or adding to the weight of bread which either of them could purchase for sixpence,—their motives would appear at least intelligible; but as they could derive no such benefit from the measure here contemplated, it

seems somewhat difficult to account for the eagerness which some of them occasionally evince, when it is proposed to wrest from a man who wears a black coat property which he holds under a grant from some previous owner of the soil, and transfer it, not into their own possession, but to that of another man whose coat happens to be brown or blue.

Whatever appetite the weavers of Manchester, the cutlers of Birmingham, or the miners of Newcastle, may have for the endowments of the English establishment, they should be reminded that this property is placed at least beyond their reach. They may concur and assist in attempts to perpetrate this act of spoliation—they may allow themselves to become active tools in the hands of designing persons, eager to deprive the church of the endowments conferred upon parochial benefices by their munificent founders; but from this act of plunder no pecuniary benefit could accrue to them—the whole profit would pass by them, and fall exclusively to the share of the landowner, whom it would enable to add the five shillings, now paid as a composition for the tithes of an acre of land, to the thirty shillings which he receives already as rent.

It is, however, but fair to acknowledge that, among those who incautiously, we believe, lend their support to schemes for the confiscation of church property, some individuals will be found who do not contemplate going the length of abolishing altogether the ecclesiastical institutions of their country; but wish merely that fixed money stipends, payable out of the exchequer, should be substituted for the incomes now derived by the clergy from the produce of the soil. That any person, who has no property in land, should thus volunteer to saddle himself with a burden which both in law and equity now rests upon the shoulders of another, can arise only from the unaccountable misapprehensions which prevail so generally with respect to this branch of our public economy. The merchant, the manufacturer, the tradesman, or the mechanic, who owns no land, must, if he reflect calmly upon this matter, reason in the following manner:—"The incomes of the established clergy now constitute a portion of the surplus-produce of the soil, which, if it ceased to be exacted by ecclesiastics, would be added to the present rent; I am neither the owner nor occupier of land—therefore no part of this burden falls upon me. If, however, this arrangement should be set aside, and stipends out of the exchequer be substituted for the incomes accruing from parochial endowments, a proportion of this burden must be transferred to me, in common with all other payers of taxes; while the owners of land will, at my expense, reap an advantage to which they have neither a legal nor a moral title; getting rid of a charge imposed upon

upon their property by one of its previous owners, and subject to which it has descended to, or been purchased by them."

Another observation ought to be pressed upon the consideration of the commercial and manufacturing classes, when it is proposed that they should assist in abolishing or abridging the revenues of the church. We beg to remind them, that the offices, dignities, and endowments of the establishment, afford, to every conforming member of the community, fair objects of open and honourable competition. The son of the merchant, of the manufacturer—nay more, the son of the humblest mechanic or peasant, may by his talents and good conduct raise himself to the highest ecclesiastical dignities which the sovereign of these realms can confer, and thus earn for himself a station by the side of the proudest of the hereditary nobles of the land. It gives us much pleasure to support our own views with regard to this branch of our subject by subjoining an admirable passage from a contemporary publication with which we have the good or bad fortune frequently to differ :—

'An established church is an essential portion of a constitutional monarchy. Its endowment is the property of the people. When they pillage the altar they rob themselves. We should open as many paths as possible between the lower and upper orders of society. Every advocate of popular liberty ought to cherish an ecclesiastical institution by which the son of the peasant may acquire unchallenged rank and independence. The cardinal's cap and episcopal mitre fall often on the humblest brow. Men of transcendent talents may force their way through tracks of their own. The difficulty consists in providing for the regular progress of men whose talents entitle them to distinction though not to command. When the church cannot be acceptable to the individuals belonging to this class of society, those to whom it would have afforded a competent provision are without resource, unless they become soldiers or lawyers, who devour the flock which the pastor tends, or increase the locust swarms of *employés* and *gens du bureau*."*

Abolish the dignities and endowments of the church, and this honourable avenue to distinction will be closed up for ever: the revenues of our ecclesiastical dignities and benefices will then pass into lay hands, and become transmissible from father to son as a private patrimony. Now, what would the public gain by this change? By the transfer of the endowments of a bishopric, or of a rectory, into the hands of a lay owner, would the occupier of this species of property acquire a more indulgent landlord, the poor a more munificent protector, or the other inhabitants of the district a more intelligent and more useful neighbour than the ecclesiastic who now holds it? This will scarcely be asserted. But while

* Edinburgh Review, vol. xxvi. p. 340.

the community at large would gain no advantage from the transfer of church property into lay hands, each member would be deprived of the chance of enjoying, in his turn, the endowments attached to ecclesiastical offices; and whatever value may be set upon this chance, it is unquestionably an advantage which, on the score of interest alone, a wise man would scarcely throw away without compensation.

'Let any person,' says the most elegant and classical of our modern writers, 'in the middle ranks of life, who knows any thing of his ancestry for two or three generations, ask himself, what benefit they have derived, and he himself in consequence, from so much of the church property as may have fallen to their portion in its service; and then let him calculate, whether he and they would have been gainers, even in their low pounds-shillings-and-pence point of view, if there had been no such charge upon the land as that of tithes. Let any parent, who has a diligent and hopeful son at school or at college, ask himself whether the youth's chance in life would be as good as it is, if the church lands were secularized, if tithes were abolished, and the clergy left, like the dissenting ministers, to depend upon their congregations? And if we had Dukes of Durham and Winchester, instead of Bishops, would the lands attached to the title be more productive, or the tenants sit at easier rents? Should it not, on the other hand, seem as evident, as it is certain, that every one is interested in upholding an establishment, by means of which some of the public wealth is set apart to be disposed of, not by the accidents of birth, but among those who may deserve it by their learning, their abilities, and their character; and that too under the notorious condition, that without character, neither learning nor abilities, however eminent, will be regarded as a claim?—a distribution whereby no man has been, is, or can be, injured; while some scores of individuals, in every generation, are raised by it to stations of dignity, and some hundreds of families placed in respectability and comfort. And yet the wealth of the church, which, when thus regarded, might be thought necessarily to secure it, by connecting its preservation with the plain and tangible interest of every household, from the highest to the lowest, is, on the contrary, a cause of danger at this time, because men will not thus reasonably regard it. Already voices are heard in Parliament recommending a second spoliation! A generation ago, if any man had ventured to utter in either house the un-Protestant, un-Christian, un-English wish, the general feeling would have put him down, and that with a force from which he would not easily have risen again: now he is heard with applause by one party, and too often without rebuke from those who ought to know that such opinions should never be allowed to pass unrebuked, because, if they are unanswered, they are represented to be unanswerable.'

'A minister of Thomas Cromwell's stamp, or one who, like Jane Seymour's brother, thinks such edifices as Glastonbury Abbey might beneficially be converted into manufactories, might make his bargain with

with a popular sect for undertaking the business of religion at a reduced rate; and he would take credit to himself when he laid the arrangement before parliament in his budget for a measure of economical reform. The desire of fame which is felt by such men extends not beyond a nine day's popularity, and their foresight of consequences hardly reaches so far!'*

'I cannot find out,' says Burke, 'for what reason some portion of the net revenues of landed estates may not be held otherwise than by inheritance. Can any philosophic spoiler undertake to demonstrate the positive or comparative evil of having *a certain, and that too a large portion, of the net produce of landed property, passing in succession through persons whose title to it is, always in theory and often in fact, an eminent degree of piety, morals, and learning;* a property which, by its destination, in their turn, and on the score of merit, gives to the noblest families renovation and support, *to the lowest the means of dignity and elevation;* a property, the tenure of which is the performance of some duty (whatever value you may choose to set upon that duty), and the character of whose proprietors demands at least an exterior decorum and gravity of manners; who are to exercise a generous but temperate hospitality; part of whose income they are to consider as a trust for charity; and who, even when they fail in their trust, when they slide from their character, and degenerate into a mere common secular nobleman or gentleman, are in no respect worse than those who may succeed them in their forfeited possessions? Is it better that a part of the surplus produce of estates should be held by those who have no duty than by those who have one?—by those whose character and destination point to virtues, than by those who have no rule and direction in the expenditure of their incomes but their own will and appetite? Nor are these estates held altogether in the character or with the evils supposed to be inherent in mortmain. They pass from hand to hand with a more rapid circulation than any other. No excess is good; and, therefore, too great a proportion of landed property may be held officially for life; but it does not seem to me of material injury to any commonwealth, that there should exist some estates that have a chance of being acquired by other means than the previous acquisition of money.

'The people of England can see, without pain or grudging, a bishop of Durham, or a bishop of Winchester, in possession of ten thousand pounds a year; and cannot conceive why it is in worse hands than estates of the like amount in the hands of this earl or that esquire; although it may be true, that so many dogs and horses are not kept by the former, and fed with the victuals which ought to nourish the children of the people. It is true, the whole church revenue is not always employed, and to every shilling, in charity—nor, perhaps, ought it; but something is generally so employed. It is better to cherish virtue and humanity, by leaving much to free will, even with some loss to the object, than to attempt to make men mere machines

* Colloquies on the Progress and Prospects of Society, vol. ii., p. 128, &c.

and

and instruments of political benevolence. The world, on the whole, will gain by liberty, without which virtue cannot exist.'

But, independently of the fact that the maintenance of an established priesthood, deriving their revenues from ancient endowments, costs the public nothing, we feel the strongest repugnance to the political consequences which would inevitably result from the secularization of ecclesiastical property. Those who covet the endowments of the establishment, tauntingly observe that the revenues of the church are not the church itself, and that the church of England would survive the confiscation of its endowments. Suppose we grant this proposition to be correct, the clergy would in that case be thrown for a maintenance (for a body of religious teachers would assuredly, in some form or other, be maintained by the people of this country), either upon stipends issuing out of the treasury, or upon funds raised by the voluntary liberality of their congregations. To render the established clergy dependent upon the exchequer would make a tremendous addition to the influence of the crown, or rather of the minister for the time being —and, by that means, seriously endanger the public liberty. 'The English nation,' says Burke, in his eloquent and forcible language, 'never have suffered, and never will suffer, the fixed estate of the church to be converted into a pension to depend on the treasury—to be delayed, withheld, or perhaps to be extinguished, by fiscal difficulties; which difficulties may sometimes be pretended for political purposes, and are, in fact, often brought on by the extravagance, negligence, and rapacity of politicians. *The people of England think that they have constitutional motives, as well as religious, against any project of turning their independent clergy into ecclesiastical pensioners of the state. They tremble for their liberty from the influence of a clergy dependent on the crown; they tremble for the public tranquillity from the disorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore make their church, like their king and nobility, independent.* From united considerations of religion and constitutional policy—from their opinion of its being a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant—they have incorporated and identified the estate of the church with the mass of private property of which the state is not the proprietor, either for use or dominion, but the guardian only and regulator. They have ordained that the provision of this establishment might be as stable as the earth on which it stands, and should not fluctuate with the Euripus of funds and actions.'

There exists, indeed, we believe, in this country, a small class of reformers, who, being free themselves from the shackles which religion imposes on the conscience, appear to think that no religion, or rather no sect, should receive any special countenance from the state. They propose that all sects should be placed

placed upon a footing of perfect equality, and that the minister or teacher of each sect or party should be made dependent for subsistence solely upon the voluntary liberality of his followers and admirers. The phrases 'perfect equality,' 'every teacher finding his own level, and receiving a reward proportioned to his merit and popularity,' sound very prettily in a lecture delivered by some itinerant professor of political economy; but those who look somewhat below the surface of things—who trace the influence of causes to their remote effects—imagine that they discover in this lauded and liberal system, blemishes and imperfections which, in their judgment, considerably overbalance the plausible advantages by which it is said to be recommended.

This eleemosynary system of maintaining the ministers of religion is open to various and powerful objections. To say nothing of the probability that such an arrangement would ere long leave numerous districts altogether destitute of religious instruction, it would, even under the most favourable circumstances, prove highly detrimental to the interests of the less opulent members of the community. The incomes of the clergy, derived, as they are at present, from endowments set aside expressly for their use, impose no burden upon the classes which have no interest in the surplus produce of land; and, from the abolition of tithes, none except the owners of land would derive the slightest benefit; but if the revenues of the church were confiscated, a new and heavy burden would fall upon a numerous class which now bears no part of the expense of the national establishment. Under such an arrangement, each member of a congregation would be expected to contribute for this purpose. If the church were stripped of its present endowments, the burden of supporting an ecclesiastical establishment would be removed from the land, and made to press, in a great degree, upon the earnings of the industrious classes. This was indeed, in all probability, the very evil which originally led to the setting apart of the endowments of which the church of England has hitherto retained possession. In early times, the landowners of our country, finding that the contributions required for the support of the ministers of religion bore heavily upon their poor and hard-working tenants, resolved to take this charge upon themselves. By endowing the church with a portion of the produce of their own land, which would otherwise have fallen to their share as *rent*, they relieved all other classes of the community from this burden, and exonerated for ever the future inhabitants of each parish from all contributions towards the support of an established hierarchy. Hence it appears that the proposal of stripping the church of its endowments is a cunning device for benefiting the rich at the expense of

of the poor; for transferring the property whence the incomes of the clergy are now derived, into the hands of the opulent landowners, and throwing the expense of supporting our ecclesiastical institutions upon the industrious and active classes which now bear no part of this burden.

But the strongest objection to this eleemosynary system remains to be considered. It would place the clergy in a state of injurious dependence upon the multitude, and convert them into an organized democracy fraught with danger to the state. This evil is now seen to a partial extent in dissenting congregations. These form so many distinct republics, entertaining views and sentiments generally unfriendly to a monarchical government. Fortunately, however, they form but a minority of the community; and they are also, from the nature of their ecclesiastical discipline, destitute of that principle of union among themselves which might lead to a systematic and permanent combination among the whole body. But the episcopal system is of a very different character. Wherever the majority of any community happen to be attached to this form of church government, it must, from the principle of union inherent in it, acquire a sway in society far too extensive and formidable to render it safe that its patronage should be vested in the multitude. Such an ecclesiastical system, attaching to itself a majority of the people, and supported by voluntary contributions, would inevitably become an active democracy, infinitely too powerful to be kept within proper bounds by the civil government. Of this the Romish church in Ireland will furnish an apt illustration. That branch of the Roman Catholic church is in nearly the same predicament in which the church of England would find itself, if deprived of its endowments. It is probably the most pure, the best organized, and consequently the most formidable democracy that ever yet has existed in any nation. It rests upon the widest basis of popular support; it can command the undivided energies of a majority of the population, and these energies are directed by a priesthood knit and bound together by a principle of union which has never been exceeded, if equalled, in the history of social combinations. While that institution remains upon its present footing; while these priests, united and perfectly organized among themselves, are still dependent upon the people for a maintenance, they must, on every question which excites popular passions, side with the multitude. They are all-powerful as long as they fawn and flatter the prejudices of their flocks, but if they attempt to run counter to these prejudices, they incur the risk of losing not only their authority, but their bread. We hear much of the religious subserviency of the Roman Catholic laity,—of the vast influence which

which the priesthood exercises over the minds of the populace, but we seldom hear of what we consider, in a political light, at least as dangerous,—the dependence of the clergy upon the laity for the whole of their support.

From the circumstance of their being totally dependent for subsistence upon eleemosynary contributions, the Romish clergy in that unhappy country are too often treated with personal neglect, and sometimes indignity, by the wealthy lay members of their own communion. Hence it arises that few men of respectable connexions are found to enter the priesthood; and their education, conducted wholly apart, tends to render them more bigoted, intolerant, and narrow-minded—and, by that means, to separate them still more widely in their views and feelings from the more opulent members of that church. Hence their influence and ministry become confined almost exclusively to the lower classes. A wall of separation is thus raised between the rich and poor in Ireland. The priests springing, as they generally do, from among the peasantry, entertain a jealousy of the higher classes, from whom they frequently experience contempt, and repay it in hatred. If they do not actually foment, it is not to be imagined that they greatly disapprove of, the violent proceedings of the peasantry, when directed against those whom they secretly dislike. The intimate connexion which their position has established between them and the populace, has rendered them the natural leaders and abettors of that class whenever they happen to be engaged in schemes or undertakings at variance with the views or interests of the higher orders. That this is a state of things productive of great public inconvenience, and attended even with danger, cannot be denied; but unfortunately the evil is much more obvious than the remedy.

After all,—to return to our proper subject—the discussions which have from time to time taken place respecting the revenues of the church of England must, in a philosophical point of view, resolve themselves into the question—whether too large a proportion of the real or net revenue of landed property has been subjected by its owners to the burden of ecclesiastical services. The point to be decided is not whether less would have answered the purpose, but whether the present endowments, fixed, as they have been, by their donors, and sanctioned, as they have been in many cases, by the usage of more than ten centuries, are, in this country, so large in amount as to be detrimental to the interests of the public.

'To a man,' says Burke, 'who acts under the influence of no passion, who has nothing in view in his projects but public good, a great difference will immediately strike him between what policy would

would dictate on the original introduction of such institutions, and on a question of their total abolition, when they have cast their roots wide and deep, and where, by long habit, things more valuable than themselves are so adapted to them, and in a manner interwoven with them, that the one cannot be destroyed without notably impairing the other. He might be embarrassed if the case were really such as sophisters represent it in their paltry style of debating. But in this, as in most questions of state, there is a middle—there is something else than the mere alternative of absolute destruction or unreformed existence. *Spartam nactus es: hanc exorna.* This is, in my opinion, a rule of profound sense, and ought never to depart from the mind of an honest reformer. I cannot conceive how any man can have brought himself to that pitch of presumption, to consider his country as nothing but a *carte blanche* upon which he may scribble whatever he pleases. A man full of warm, speculative benevolence, may wish his society otherwise constituted than he finds it; but a good patriot and true politician always considers how he shall make the most of the existing materials of his country. *A disposition to preserve, and an ability to improve, taken together, would be my standard of a statesman.* Every thing else is vulgar in the conception, and perilous in the execution.'

We do not deny that too large a proportion of the landed property or net revenue of a country may become vested in religious corporations, or burdened with the performance of ecclesiastical, to the exclusion of other, duties. Such was probably the case in this country before the Reformation. These corporations possessed the power of adding to, but not of alienating, their possessions. Hence it was that, in the course of time, a vast portion of the land of the kingdom fell into their hands. This distribution of real property limited too much the number of that class of citizens who held land emancipated from church services, and consequently at liberty to devote their exertions and talents to other than ecclesiastical pursuits. We are, therefore, willing to admit that, when so great a proportion of the net revenue of any country becomes burdened with ecclesiastical services, as to reduce too much the number of lay proprietors required to fill the various other offices of the community, the state may step in and abate the inconvenience. But we are inclined to the opinion that the rapacity of the Tudor race of princes has left no ground for asserting that ecclesiastical endowments in this country are excessive in amount. Had they been even less sweeping in their spoliation, it seems probable that the community at large would have been gainers. We cannot help thinking it a subject of great and lasting regret, that they did not restore the appropriate tithes to the benefices from which the regular clergy had so dishonestly detached them. In that case, every benefice in England would have furnished an adequate income for

for the maintenance of a resident incumbent; or, in other words, a tenth part of the produce of every parish would have passed from one possessor to another, burdened with the performance of ecclesiastical duties, instead of being transferred, as it is now, by descent or purchase, and encumbered with no services. For surely it cannot be justly represented as inimical to the interests of the public that a moderate portion of the net revenue accruing from land should pass from hand to hand, and be enjoyed, subject to the discharge of specified ecclesiastical services. If the incumbent of a parish performed no duty, never resided upon his benefice, never appeared among his parishioners—even under these circumstances he would not stand in a more injurious position, either with respect to his parishioners or the community at large, than the lay landlord into whose pockets this ecclesiastical income would fall on the abolition of tithes. But if, as is generally, and always ought to be, the case (for we do not argue the question on the abuse, but the proper use, of ecclesiastical endowments), the incumbent should reside upon his benefice, should expend his income among his parishioners, and devote his time and talent to their instruction and improvement, it must surely be more advantageous, not only to the inhabitants of each parish, but also to the public, that an ecclesiastic, so discharging the functions of his office, should receive the value of the tithes, than that it should be added to the rental of the landowners.

There is, indeed, at all times a disposition on the part of those who hold property or net revenue, accruing from land encumbered with conditions or the performance of specific duties and services, to struggle for the emancipation of this net revenue from all burdens incident to its enjoyment. In ancient times, nearly all the landed property of this country was granted and enjoyed subject to the discharge of certain services. The tenants of the crown held their fees subject to various specific burdens: they had to provide, at their own cost, for the military defence of the kingdom in ordinary times; and it was only on some unexpected and extraordinary emergency, that the community at large was called upon to contribute for such a purpose. The administration of the laws, and the various other departments of government and police, were, in like manner, provided for by rendering them a burden incident to the enjoyment of lay fees. A great proportion of the lay estates of this country were originally granted, and for a long period transferred from one possessor to another, under one or more of these conditions. By degrees, the owners of the land contrived to get rid of the conditions, while they kept their estates. They managed to throw upon the community at large the whole burden of the defence and government of the kingdom

to

to be provided for by taxation, while they retained the landed property, or the net revenue, originally charged with the performance of these public services. But although the *terrarum domini* have thus got rid of the lay services with which their estates were formerly clogged; though they are no longer called upon exclusively to maintain the belted knight and jolly cavalier required for the defence of the realm, they are still burdened with the ecclesiastical services originally imposed upon them; they are, as they were, chargeable with the expense of maintaining an ordained clerk to perform the ecclesiastical functions of the district. That the owners of land, still subject to this charge, should wish to get rid of it, also, is perhaps not unnatural; but that the other classes of the community should sometimes shew a disposition to abet them in this attempt, must excite much surprise in every reflecting mind, especially when we recollect, that the burden thus taken from the land, would, as in the case of the other services from which the landowners have gradually freed themselves, be thrown upon the community at large, to be provided for by a general taxation.

Somebody must have that portion of the net revenue of the land, which, under the denomination of tithes, is now received by the incumbent of a parochial benefice; and the real question is, whether it be best for the public at large that this portion, whatever may be its amount, should be received by those who constantly live, and who, by the tenure on which they hold this property, constantly must live, in the midst of the occupiers of the land from which it accrues—or by those who always may, and frequently will and do live, at a great distance from their estates, and draw away the revenues accruing from them to be spent elsewhere. There are very few among us who have not personally witnessed the change for the worse which takes place in the state of a country parish, when a noble or other great landowner quits and shuts up his mansion. The effects of this desertion are speedily seen in the deteriorated condition of the poor, and the increase of the poor-rates. But the endowment attached to the benefice prevents the parish from being totally deserted by the receivers of its surplus produce. The incumbent must generally reside, and consequently expend his portion of this net revenue, among the working class left behind by the migrating landlord.

'In every prosperous community,' says Burke, 'something more is produced than goes to the immediate support of the producer. This surplus forms the income of the landed capitalist. It will be spent by a proprietor who does not labour; but this idleness is itself the spring of labour,—this repose the spur to industry. The only concern of the state is, that the capital taken in rent from the land should be returned again to the industry from whence it came; and that its expenditure should be

be with the least possible detriment to the morals of those who expend it, and to those of the people to whom it is returned.'

'It is no ordinary national benefit'—(says an authority which in many quarters will be preferred on this head to our own)—'it is no ordinary national benefit to have a number of well-educated men dispersed over every part of the kingdom, whose especial business it is to keep up and enforce the knowledge of those most exalted truths which relate to the duties of man, and to his ultimate destiny;—and who, besides, have a sort of general commission to promote the good of those among whom they are settled, in every possible manner: to relieve sickness and poverty, to comfort affliction, to counsel ignorance, to compose quarrels, to soften all violent and uncharitable feelings, and to reprove and discountenance vice. This, we say, is the *theory* of the business of a parochial clergy. That the *practice* should always come up to it would be utter folly to assert, or to expect: but such is the influence of Christianity, that even now, amidst all the imperfections of the existing establishment, its salutary effects are clearly [illegible] and in those numerous parishes, in different parts of England [illegible] which there is no gentleman resident, the benefits of securing the residence of a well-educated man, with no other trade but that of doing good to the minds and bodies of his neighbours, are [illegible] incalculable.

In retired parishes, the family of the clergyman is often a little centre of civilization, from which gleams of refinement of manners, of neatness, of taste, as well as of science and general literature, are diffused through districts into which they would otherwise never penetrate. And be it observed, that these are the very parts of the country which nothing but an endowed parochial clergy could regularly and permanently influence. In large towns, indeed, and in wealthy and populous districts, the unpaid zeal of individuals might often supply the place of a minister, appointed and maintained by public authority. But in remote country parishes, where there are no inhabitants but farmers, and one or two small shopkeepers, besides the population of day-labourers, it would most commonly be impossible to find an individual willing or qualified to undertake such high and important duties. Such districts would at the best receive only occasional visitations from some itinerant instructor,—who certainly could ill confer all those various benefits, temporal and spiritual, which might be derived from a resident minister of only equal zeal and capacity.

'These are the objects for which *we* desire to retain a religious establishment; and which we would steadily keep in view as our best guide while reforming the actual institutions of the church of England.' —*Edinburgh Review*, vol. xliv., p. 500.

We make no apology for another quotation—it is a passage which cannot be read too often, whether we regard its poetry or its philosophy.

'Hail to the state of England! and conjoin
With this a salutation as devout,
Made to the spiritual fabric of her church,

Founded

Founded in truth; by blood of martyrdom
Cemented; by the hands of wisdom reared
In beauty of holiness, with ordered pomp,
Decent and unreproved. The voice that greets
The majesty of both, shall pray for both—
That, mutually protected and sustained,
They may endure as long as sea surrounds
This favoured land, or sunshine warms her soil.
And O, ye swelling hills and spacious plains,
Besprent from shore to shore with steeple towers
And spires, whose "silent finger points to heaven"—
Nor wanting at wide intervals, the bulk
Of ancient minster, lifted above the cloud
Of the dense air which town or city breeds,
To intercept the sun's glad beams—may ne'er
That true succession fail of English hearts,
Who with ancestral feeling can perceive
What in those holy structures ye possess
Of ornamental interest, and the charm
Of pious sentiment diffused afar,
And human charity and social love.
Thus never shall the indignities of time
Approach their reverend graces unopposed;
Nor shall the elements be free to hurt
Their fair proportions; nor the blinder rage
Of bigot zeal, madly to overturn:
And if the desolating hand of war
Spare them, they shall continue to bestow
Upon the thronged abodes of busy men
(Depraved, and ever prone to fill their minds
Exclusively with transitory things,)
An air and mien of dignified pursuit,
Of sweet civility, on rustic wilds.'—*Excursion*, Book vi.

While we look at the subject in this light, the diatribes which are periodically and almost daily sent forth, with respect to ecclesiastical property in Ireland, must appear in a peculiar degree absurd and irrational. The public is first presented with a grossly-exaggerated estimate of the amount of church endowments in the sister island. The archbishop of Armagh, we are told, derives from the land attached to his see an income of 40,000*l.* per annum; the bishop of Derry, 30,000*l.* per annum; the archbishop of Dublin, 30,000*l.* per annum; and, on the same scale, the declaimers proceed throughout the whole bench. Now we know, the fabricators of these fables know, and the greater part of the public know, that such statements are monstrous and wilful exaggerations. But suppose we grant all that they assert; that the revenues of the Irish bishops are as large as they are represented: what then? Why, then so many thousand pounds per

per annum, drawn from the soil, are spent among the working classes of Ireland, which, if these endowments did not exist, would, like the rest of the surplus revenue of that unfortunate island, be carried away to be expended among strangers,—a calamity to which we really think the people of Ireland ought to submit without repining. We do think, that an income of 20,000*l.* per annum, drawn from the produce of land, expended on the spot whence it accrues, by the receiver of it, although he be an ecclesiastic, is laid out in a manner quite as beneficial to the Irish community as if it were transferred into the hands of an absentee, and spent at Naples: though this new proprietor, instead of being called a bishop, might be styled a duke.

'In all the views of receipt, expenditure, and personal employment,' says Burke, 'a sober legislator would carefully compare the possessor whom he was recommended to strip of his property with the stranger who was proposed to fill his place. Before the inconveniences are incurred which must attend all violent revolutions in property, through extensive confiscation, we ought to have some rational assurance that the purchasers of the confiscated property will be in a considerable degree more laborious, more virtuous, more sober, less disposed to extort an unreasonable proportion of the gains of the labourer, or to consume on themselves a larger share than is fit for the measure of an individual, or that they should be qualified to dispense the surplus in a more steady and equal mode, so as to answer the purposes of a politic expenditure, than the old possessors, call those possessors bishops, deans, canons, prebendaries, rectors, vicars, or what you please.'

But although we unequivocally deny that the state either is or ever was the proprietor, either for use or dominion, of our ecclesiastical endowments, we freely acknowledge that it is the guardian and regulator of that species of property. Every ecclesiastical benefice we consider as a distinct eleemosynary foundation, endowed for the purpose of imparting religious instruction to the inhabitants of the district attached to it; and the authority of the state over such an institution goes no farther than to frame and enforce such regulations as may appear necessary to ensure the fulfilment of the views and intentions of its founder.

A very just and sensible principle, which courts of equity apply to the regulation and management of lay eleemosynary foundations established for the purposes of education, will, perhaps, render this point more clear. If the original founder of a school or a college appointed no special visitor to watch over the interests and management of his charity, the law vested this power in him and his heirs. The power of visiting these private foundations was considered as incident to the property out of which they were endowed. This property came from the founders, and the law secured

secured to them and their heirs the authority of establishing, at their own discretion, the conditions on which it should be enjoyed; and of altering, or adding to these statutes, as often as such a measure might seem expedient. Whenever the heirs of the founders become extinct, the power of altering the statutes, and enforcing their observance, lapses to the crown, to be exercised by the Chancellor.

The principle upon which eleemosynary foundations of a lay character are thus regulated, will analogically apply to ecclesiastical benefices. When at some early period of our history, no matter how many centuries ago, the owner of a manor built a church upon his estate, and endowed it with the tenth of the produce of his land, he became the founder of a Sunday school for the instruction of his domestics and tenants. From him was solely derived the property of the endowment, and in him and his heirs was vested, on principles of moral equity, the right of making statutes or rules for the government of this parochial charity; of determining the conditions under which the incumbent of the parish (the master of this Sunday school), which the founder had endowed, should be entitled to receive the emoluments of his office. From circumstances which it is not necessary now to detail, all the rights and privileges inherent in the original founders of parishes have devolved upon the state; hence the state has become the guardian of the endowments conferred upon parish churches by their munificent founders; and, acting in this capacity, it possesses the authority of framing any laws or regulations which may seem calculated to increase the usefulness and efficiency of these institutions.

The principle here laid down as the foundation of the controlling authority which the state possesses over ecclesiastical endowments, will also point out the limits which, in exercising that authority, it cannot justly transgress. The lords of manors who endowed the parish churches which they built, retained no right to recall any part of the property which had passed from them by voluntary gift; and if the original donors had no right to reclaim this property, it is needless to argue that those who, in the capacity of trustees, now represent them, are destitute of any such right. The state, as representing and acting in the behalf of the original donors, may make any alteration which may be deemed expedient, in the conditions attached to the enjoyment of these endowments. It is within the legitimate exercise of this authority to adopt and enforce, at any time, such new regulations as may seem calculated to render the diocese or the benefice a more efficient instrument of religious and moral instruction and control; to modify and alter the duties required of the holders of such

such endowments—nay, to impose additional duties upon them, if such a measure should be considered conducive to the public good. Here, however, it must stop; beyond this limit it cannot proceed without injustice; for the moment the state proposes to meddle with ecclesiastical property, not for the purpose of regulation but appropriation, it commits the same species of wrong as that visitor of a private charity would perpetrate, who should not only undertake to frame new regulations or statutes for its government, but likewise abstract a part of the endowments granted for its sustentation by the original founder.

While, then, we protest, in the strongest terms which we can use, against the justice, as well as the policy, of secularising any further proportion of the net revenue of this country, now encumbered with the performance of ecclesiastical services—we acknowledge, in its fullest extent, the right of the state, in its capacity of trustee, to enforce the due and effective discharge of the conditions on which this species of property is held, and to introduce any alterations or regulations which may seem likely to increase the efficiency and utility of the services attached to the enjoyment of church endowments. We think it entirely consistent, for example, with the honourable discharge of this public trust, that the owners of landed property should be authorized to enter into an arrangement with the incumbents of ecclesiastical benefices, which would, for a period of reasonable length, put an end to the practical inconvenience of levying tithes in kind. Any regulation which would afford relief, or even merely satisfaction, to the landowners, without diminishing the endowments of the church, the public may unquestionably sanction. It may be expedient—it may be even necessary to correct disorders in the organization of a national establishment; but admitting that this expediency, or necessity, had been clearly and indisputably made out, it by no means follows that it is either expedient or necessary, or just, to divert the property of such an establishment from its lawful purposes. If it should be proved that these revenues are in many or any cases abused—if the conditions on which they are held are not strictly and honourably fulfilled—by all means let measures be adopted to remedy the abuse, and enforce the faithful performance of the conditions. But to the plans and schemes of those who, under the pretence of mending, really design to pull down; who, under the plausible cloak of a holy zeal for the purity and efficiency of the church, really aim at the confiscation of ecclesiastical endowments, every honest man will offer his firm and decided opposition.

We are not quite sure that some of the fundholders of this country have not been led occasionally to listen, with more com-

placency than becomes honest men, to schemes of ecclesiastical spoliation, in the belief that the payment of their dividends would thereby be rendered more secure. If there be such persons among the holders of stock, we request them to ponder a little upon the events which marked the progress of the French revolution; for what has happened may, and probably will, under analogous circumstances, happen again. Of the crimes and iniquities perpetrated during the course of that memorable convulsion, the first was the confiscation of ecclesiastical property. This invasion of the acknowledged right of a numerous class of citizens was declared to be indispensable, in order to preserve the *public faith* inviolate. To the national creditor the revolutionary demagogues said, 'If you do not join us in plundering the property of the church, the interest of your debt cannot be paid.' The Jews and jobbers of Paris acceded to this suggestion, and concurred in accomplishing the confiscation of ecclesiastical revenues. But the resource which was expected to uphold public credit and perform such financial marvels was soon discovered to be utterly inadequate for its destined purposes; whereon the sansculottes, determining to make short work with the burden of the debt, virtually abolished it by issuing paper assignats in payment of the rentes. The owners of funded property, having assisted in stripping the church of its possessions, were thus plundered in their turn. But the work of confiscation, having once begun, was not allowed to stop even at this point. The same measure was soon meted out to the landowners. From timidity, or in some instances, perhaps, from worse motives, many of these persons regarded with indifference the plunder of the other classes; but their turn soon came,—they were convicted of the crime of 'aristocracy,' and their estates confiscated and sold. Whenever the government of any state happens to fall into the hands of men who can consider it politic to seek a resource in confiscation of any kind—whenever one description of citizens can be thought of by any of the others as their proper prey—public faith becomes a shadow, in which no prudent man will repose the slightest confidence.

'Si plures sunt ii (says Cicero), quibus improbe datum est quam illi quibus injuste ademptum est, idcirco plus etiam valent? Non enim numero hæc judicantur, sed pondere. Quam autem habet æquitatem ut agrum, multis annis aut etiam sæculis ante possessum, qui nullum habuit, habeat; qui autem habuit, amittat? ac, propter hoc injuriæ genus, Lacedæmonii Lysandrum ephorum expulerunt: Agin regem (quod nunquam antea apud eos acciderat) necaverunt: ex eoque tempore tantæ discordiæ secutæ sunt, ut et tyranni existerint, et optimates exterminarentur, et præclarissime constituta respublica dilaberetur.'

Having

Having described the very different conduct of Aratus of Sicyon, whom he holds up as the model of true patriots, Cicero proceeds thus: 'sic par est agere cum civibus; non (ut bis jam vidimus) hastam in foro ponere, et bona civium voci subjicere præconis. At ille Græcus (id quod fuit sapientis et præstantis viri) *omnibus consulendum* esse putavit; ea est summa ratio et sapientia boni civis, *commoda civium non divellere, sed omnes eâdem æquitate continere.*' *

Art. VI.—1. *Facts relating to Chinese Commerce, in a Letter from a Resident at Canton to his Friend in England.* Lond. 1829.

2. *A Review of the Arguments and Allegations which have been offered to Parliament against the Renewal of the East India Company's Charter.* London. 1829.

3. *Considerations relative to the Renewal of the East India Company's Charter.* By W. S. Obrien, Esq., M.P. 1830.

'THE question of the open trade ought not to be discussed as a hostile question between the East India Company and the country. Of the separate interests of the Company, I should say that they must be weighed and considered as connected with, and as subordinate to, the general interests of the country; but it does not, therefore, follow, that every thing taken from the Company would be necessarily gained to the country at large—or that what may be left in their hands may not be left there as much for the benefit of the country as their own.'† Such was the spirit of moderation and good sense which a late eminent statesman recommended, in the discussion of a question, among the most momentous that ever demanded from us the benefits of cool reflection; and such the advice offered by a representative of Liverpool itself to constituents, who appear to have regulated their conduct by other principles, and to have accepted the alliance of visitors of a far different description.

Impressed as we are by the magnitude of the question which is shortly to exercise the wisdom of parliament, we shall (with more humility than distinguishes the statesmen of Cockermouth and Kidderminster) confine the present discussion to one important portion of the subject—the China trade; and considering documentary evidence, and the sanctions of local knowledge as the only legitimate grounds on which to build a sound opinion, we shall chiefly confine ourselves to the exhibition of these. We

* Cic. de Officiis, lib. ii.

† Mr. Canning's Speeches at Liverpool.

do not contend for any absolute or unqualified maintenance of the existing system; for there are points which, we believe, might be conceded, if not with any advantage to the country, yet without much danger or detriment. It is better for all parties to discriminate, than to praise or condemn in the gross. The settlement of every human question must, after all, involve a deliberate balance of advantages and disadvantages; and any decision that is got at in a shorter way than this, is hardly worth having. If gin be as good a stimulant for the mass of our population as tea—if between three and four millions of revenue, unexampled for the economy and security of its collection, be a matter of no consequence in the present state of our exchequer—if the payment of dividends on India stock can be regarded as an agreeable accession to the cares of our minister of finance—if another channel can be discovered for the remittance of sums *necessary* to defray Indian territorial charges in this country—*then* the China trade becomes an affair of little consequence, and it matters not if we lose it, or possess it in a state not worth having. Admitting, however, that it is an object to us to possess this trade in a secure and undeteriorated condition, then let the opinions of those who have some knowledge of the subject be listened to, instead of the wretched farrago of ignorance, falsehood, and vituperation, which has hitherto marked the progress of this question. The most striking features, indeed, in the conduct of the noisy tribe have been, first, the diligence with which they have availed themselves of the general ignorance, in relation to Asiatic matters, to put forth allegations which they must have known to be false; and, secondly, the laughable lack of common information which they have betrayed on their own part. They have proclaimed that the East India Company has annually taxed the public to the amount of 3,000,000*l.* for their tea, when the parliamentary returns show that, for the last eighteen years, the *gross amount* of their sales has only averaged 3,500,000*l.*—out of which the prime cost in China has been nearly 2,000,000*l.*, without making any allowance for agency, freight, and other charges. The extraordinary amount of the king's duty, which at once raises a pound of bohea, sold by the Company at 1*s.* 6*d.*, to 3*s.*, and the tricks and intermixtures of the retail dealer, who contrives to charge at least five-and-twenty per cent. on this last sum, (considering himself entitled to a profit on the duty which he advances,) are industriously kept out of sight; while the Company, compelled by law to put up every lot at a limited advance above the invoice cost, is most nefariously reproached with the high price which the consumer is obliged to pay. The following is a matter-of-fact history of a pound of hyson, sold by many a 'genuine tea-warehouse' at 11*s.*; and any man

man of common sense, who knows what his butcher and his tailor make him pay, would as soon lay *their* sins at the door of the grazier and the clothier, as he would charge the whole blame of high-priced teas on the Company—the only party, in fact, who lie under a positive legal restriction:—

	s.	*d.*
Cost of 1 lb. of hyson at the Company's sales .	4	4
King's duty	4	4
	8	8
Retailer's profit, brokerage, &c. . . .	2	4
	11	0

Under other circumstances than high taxation, the much-libelled Company has shown, in Canada and Halifax, that it can supply teas as cheap, or cheaper, than they can be bought in the United States. This table exhibits prices with the duties included, and is taken from the 'Review of the Arguments, &c. against the renewal of the Charter.'

TEAS.	Prices at New York, 26th May, 1827.				Prices at Halifax, 18th June, 1827.				Prices at Quebec, 5th May, 1827.			
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
Hyson, per lb.	4	6 to	6	2	4	0½ to	4	3½	4	6½ to	4	7½
Young Hyson, do.	3	11½ ,,	4	10½	2	0½ ,,	2	7½	3	11½ ,,	4	2½
Hyson Skin, do.	2	3 ,,	3	8	2	5½ ,,	3	4½	2	4½		
Souchong, do.	2	4½ ,,	3	0	2	3 . . .			2	3 ,,	3	1½
Twankay, do.	3	1½ ,,	3	3½	.	. . . .			2	7½ ,,	2	8½

But let us extend our views beyond these details, and contrast the effects of our own system with the present condition of the American free trade, the evident decline of which makes the theorists somewhat less fond of appealing to it now, than they were a few years ago, when the madness of trans-atlantic speculation was at its height. In the year 1783, just previous to the commencement of the Commutation Act, the Company's importation of teas was 4,138,295 lbs. The immediate effect of this Act was, to double and treble the importation; and it has ever since been steadily increasing, until it has reached the enormous annual amount of 30,000,000 lbs., which vastly exceeds the consumption of the *whole world besides*, China herself excepted! So much for the depressing effects of this monopoly;—while the late parliamentary report shows that the American trade is diminishing much more rapidly than ours has increased; and the ruin of the principal American houses, connected with Chinese commerce,* affords the best practical comment on the wisdom and honesty

* 'The late failures in the United States, and the balance of *two or three millions* of dollars due to the American customs, sufficiently prove the trade has of late years been carried

honesty of our travelling orators. Prove to them that England, under her present system, has increased her trade with China incomparably beyond every other country in the world, at the same time that it has been loaded with a cent.-per-cent. duty, and they will tell you, that under such circumstances it ought not to have prospered at all. Only let them set to work with their nostrums, and they would engage to perform wonders!

A Captain Spiers, at Glasgow, uttered the following flourish:—'He doubted not, that, with free trade, the great wall that at present *surrounded the frontiers of China*, would prove no barrier to the talents, enterprise, and ingenuity of British merchants—(*applause*).'* It does not appear whether the Captain was applauded for his eloquence or his knowledge; but he was, no doubt, the same individual who told an inquiring friend that there were four-and-twenty India Directors,—twelve for the *East*, and twelve for the *West*, Indies; and cousin-german to somebody else, who expressed his conviction that, with a free trade, we should soon navigate the *Blue river* to Nankin.† This last authority had heard somewhere of a *Yellow sea*, and must needs have a blue river to match it! In the work which contains the above information (and which, we understand, has just died a natural death) might be found a great deal more of equal value. But in lieu of treating our readers to any more specimens, we will proceed to exhibit a little real information on the subject of the China trade.

When an Englishman from one of our Indian possessions first reaches Canton, (the only corner of their empire to which the Chinese, after excluding us from two other ports,‡ will now permit us to resort,) the circumstance that chiefly strikes him is, the totally different character of the people among whom he has arrived, in comparison with that of the gentle and submissive race whom he left behind him. Instead of the cringing address and the low salaam, that mark the demeanour of a conquered people towards their master, he is always bluntly addressed as an *equal* at best; while the frequent justlings, not to mention incivilities of a still less equivocal character, which assail him in the street, may

carried on without benefit.'—*Letter from Mr. Consul-General Canning.* But while this sheet is passing through the press, the best of all possible evidences reaches us in the following passage of President Jackson's Message to Congress—(*Morning Herald, Jan.* 9, 1830)—'In the collection of the revenue, the long credits authorized on goods imported *from beyond the Cape of Good Hope*, are the *chief* cause of the losses at present sustained. If the right of the United States to a priority of payment out of the estates of their *insolvent debtors* were more effectually secured, this evil would in a great measure be obviated'!

* Oriental Herald. † Ibid. Nov. 1829.

‡ Chusan and Amoy. The English had a factory at Amoy as early as 1676, but it was destroyed during the invasion by the Tartars, who expelled the Chinese, and forced the English residents to fly to Tonquin and Bantam. It was re-established in the year 1686, and continued until the trade was, by an imperial edict, removed to *Canton*.

perhaps

perhaps impress him with the humiliating conviction that he is regarded as an *inferior*. There is, in short, something very *Turkish* in the Chinese treatment of strangers; but in lieu of the savage indolence and brutal ferocity of the Turk, we meet in China with an industrious, sagacious, and politic people, who continue to exact respect from the gigantic power which has lately taught quite a new lesson to the Ottomans, and who compel other European states to receive with thankfulness that exact modicum of beneficial intercourse with their empire, which they choose to allow *dum benè se gesserint*.—The character of Chinese policy in regard to foreign commerce is essentially unaccommodating—or, rather, hostile. The spirit of the section of their laws respecting 'illicit exportation of merchandise' is, that all foreign nations are enemies to China; that she allows no *free* or *friendly* intercourse; that she wishes to keep her affairs a secret from foreigners; and that all subjects who trade with foreigners, excepting such as are licensed by government, are *traitors*. The Edinburgh Review for January, 1828, contained some observations in reference to the formation of foreign settlements, which we will take the liberty to apply as equally pertinent to the growth of foreign commerce.

'We may enumerate as facilities—common origin, moral and political sympathies, and above all, mutual necessity: as impediments—antipathies, moral or religious, illiberal or despotic governments, and an independence of foreigners. *China is here the strongest case of the last description.*"

It is so indeed. It is very little known, that while the Portuguese trade with China is confined to Macao, and that of other foreign nations to Canton, the Spaniards have the advantage of access to both these ports, besides the nominal exclusive privilege of trading at the port of *Amoy*. The exactions of the mandarins, however, have effectually prevented the resort to the latter place of a single Spanish ship during the last twenty years. We have heard the fate of one of the latest expeditions. There being no fixed rate of import or export duty, a special negociation was entered into with the mandarins on the ship's arrival. The vessel, a very small one, was compelled to pay a large *measurement duty*, or port charge; besides which, the whole capital imported, whether in treasure or otherwise, was charged with a contribution of 5¼ per cent. In addition to this, however, a duty was levied from the Chinese merchants on both the import and *export* cargoes. It sometimes happened, that when the mandarins were unreasonable in their demands, they were brought to terms by *the vessel weighing anchor*, and *making a feint to depart*, until recalled by their compliance. Does not this open a magnificent prospect to the wise men of Liverpool and Glasgow?

Glasgow? The records of the East India Company show, that until necessity had set them upon their present system of union against mandarins and mandarin merchants, their single ships experienced even worse treatment than the above, and serious thoughts were entertained of abandoning the trade, which then amounted to about one-twentieth part of its existing magnitude. But the power of oppression possessed by the Chinese officers, in the particular case of foreign trade, is easily explained. All *unlicensed* intercourse with strangers, on the part of the subjects of the Celestial Empire, is denominated by their law *traitorous*, and punishable with death; and the mandarins turn this to their own profit, by extorting as much for such licences as they can wring from their victims.

Any question relating to our commerce with a strange country must of course involve two considerations,—first, our exports from home, and, secondly, our imports in return. We will take no notice here of the boasted exportation of cotton goods to India, exportations effected at the expense of a large destruction of British capital, except to observe that to draw conclusions from the history of our *Indian* trade in favour of any prospective increase of our exports to *China*, is merely absurd. We may vaunt, if we choose, the philanthropy and the wisdom with which we have demolished the native manufacturer in India, at the same time that the manufacturer at home has been ruined. India is our own conquered territory; we may starve the unresisting weavers of Dacca, and play with the rest of the eighty millions whatever pranks may appear most agreeable to the writers 'on free trade and colonization.'* But the independent government of China has always shown that it knows full well how to restrict foreign importations. Take a single instance out of a thousand. In a letter to the Court of Directors, from the council of their factory at Canton (15th Nov. 1827), it is observed, 'The duty now levied on the Worleys, high in comparison with the quality of the cloth, will prevent this becoming a lucrative article of export to China.' But what is even *this* consideration,

* Could we turn from the effusions of these well-paid patriots and listen to the disinterested testimony of Bishop Heber, that excellent personage might prove to have left a blessing behind him to the race in whose service he died:—'The indigo planters,' (he observes in a private letter) 'are always quarrelling with and oppressing the natives, and have done much, in those districts where they abound, to *sink the English character* in native eyes.' The power of deportation, conferred on the India governments, is defended by Bishop Heber, on the ground that many of the adventurers, who come to India, even under the present system of licence, are 'the greatest profligates the sun ever saw,—men whom nothing but despotism can manage, and who, unless they were really under a despotic rule, would insult, beat, and plunder the natives, without shame or pity.' The thick population of the East would, no doubt, afford abundant game to the *enterprise* of these worthies.

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in comparison with the still more important one, that we are confined at Canton to a single port of a single province,—that single province divided from the rest of the empire by a barrier of high mountains, and chosen purposely by the Chinese government as the point farthest distant from the capital. In order to be consumed at Peking, where the coldness of the climate would render them most useful, our woollens must travel a distance of twelve hundred miles, and cross the mountainous barrier already mentioned, at the foot of which they are unladen from boats, and carried on men's shoulders across the pass called *Meilin*. The consequence is, that only one-ninth of our woollen exports is consumed in the northern provinces, including the capital, as has been ascertained by Mr. Ball, (some years since inspector of teas to the Company at Canton,) who wrote a clever little pamphlet, the result of much minute research, to show what advantages our trade *might* derive, could the Chinese be persuaded to admit us to a port farther north, and nearer the tea provinces. He has therein clearly proved, (what, in fact, must have been always surmised,) that Canton, from its geographical situation, is, 'of all other ports, the most unfavourable for European trade.' Our metals, as they will not bear the expense of transport, are almost entirely consumed in the province where they are landed, and hence their very limited amount. The people of the tea districts 'purchase their lead (for canisters) at Han-keu; the expense of carriage being about one half of that from Canton, is the reason why this lead is preferred.'* But the expense of carriage is only a part of the disadvantage. The government derives a considerable revenue from imposing duties on internal transport. 'It is not to be supposed,' as Mr. Ball observes, 'that any reduction can be effected in the transport duties. The Chinese are unlikely to grant privileges to foreigners which necessarily entail a loss on themselves.'

Our principal reason for introducing the above, is to expose the ignorance and insanity of those who gain the applause of their hearers, by talking of navigating the 'Blue River' to Nanking, or of passing the great wall 'that surrounds the frontiers of China.' Such people can hardly be expected to know, that the sumptuary law† of the Chinese, forbidding the use of 'things not sanctioned by custom,' is a great bar to the extended consumption of European goods; but they certainly might, and probably do know, that the Company and their maritime officers, together with the few Americans and Dutch who have survived their tea speculations, have inundated Canton in such

* Mr. Ball's Pamphlet, p. 11. 1817.
† Staunton's Penal Code, § clxxv.

a manner

a manner with English and European goods, that, as the printed Commercial Report* of that place observes,—'Not an article of British manufactures can be named, which would realize within ten per cent. of *prime cost!*' Let those, then, who would speculate on an increase of our exports to China, from the experience of India, recollect, that in *India* we are sovereigns—that *China* is an independent empire, with this addition, too, that she looks with a watchful and jealous eye on the growth of all intercourse with foreigners, and has taken very effectual means to restrain it, by selecting the remotest point of the empire for its seat—by restricting its conduct to a close monopoly of seven or eight *security* merchants, who live within a stone's throw of each other—and by regulating duties on foreign imports in such a manner as prevents their materially supplanting the products of native industry. *Raw produce*, accordingly, has always found the best market at Canton. In the year 1828, the importation of cotton wool from our Indian territories, on board of Company's and private country ships, was, in neat weight, 63,229,733 lbs.† The raw produce of the Malay Archipelago likewise finds a fair market at Canton, and is conveyed thither through the same channels. In addition to betel-nut, pepper, and rattans, the strange gastronomic taste of the Chinese lead them to pay the most extravagant prices for the birds' nests, sharks' fins, and other edible products of the seas and islands to the south,—not to mention our Indian *opium*, whose small bulk and easy concealment occasions an immense consumption, notwithstanding its being illegal.

But as if all that has been stated were not sufficient to check the importation of foreign manufactures into China, we will state the ill success (with its reasons) of what might have been deemed a promising article, since it bordered on the character of raw produce—we mean cotton yarn. The Chinese have always objected against our calicoes their flimsy texture, in comparison with their own very strong and lasting goods; and many trials were therefore made to introduce the former article by the Company, in conjunction with their maritime officers, who, carrying their adventures freight-free, and paying so little for insurance, possess a great advantage over all other private traders. In 1828, however, cotton twist sold, on an average of qualities, below

* Dated 25th February, 1828.

† The assailants of the existing system have industriously concealed (they could hardly be ignorant of it), that British subjects carry on a free trade in raw produce, between our Indian possessions and Canton, to the average amount of 3,000,000*l.* annually, in 26,000 tons of shipping. A large proportion of this, however, is in smuggled opium, which is entirely introduced by *private* hands. The Chinese officers of customs connive at this abuse, since the article, being contraband, could otherwise afford them nothing.

prime

prime cost; and when an English gentleman expressed his astonishment and dissatisfaction to the principal Hong merchant, a man of great knowledge and acuteness, the wonder was partly explained in this manner. The high rate of interest* disinclines the manufacturers, generally persons of very small capital, to purchasing and storing up any quantity of stock, and their practice is to give out portions of the dressed wool to female cottagers, who, in the intervals of other employment, spin it into thread, and return it to the weavers at a charge exceedingly below the ordinary price of labour, which in China is always sufficiently low. In addition, however, to every other untoward circumstance, the Hong merchants have unfortunately a direct interest in discouraging European importations. Their responsibility for the customs (as for every thing else) makes the advance, by them, of the import duty necessary, though the goods may be still lying unsaleable in their warehouses; and no truth under heaven can be more certain than this,—that if the Company did not *force* them to receive our woollens in barter, the export of these would not be one-half of what it is at present. So much for the consumption of British manufactures under the present maxims of Chinese foreign policy, in which they are as prone to change as in all their other institutions. We first fix their attention by pressing closely upon their frontiers in Nepaul; and, by our subsequent conquest of Ava, excite their fears to such an extent, that the viceroy *Yuen*, who had for an unusually long period 'soothed and controlled (to use their own phraseology) the barbarians' at Canton, was selected as the most fit person to take charge of the frontier province on that side, distant only one hundred and seventy miles from Ummerapoora. And *we* are the people, above all others†, to whom the Chinese are to give up the navigation of the *Blue River*, and the command of the Great Wall *which surrounds their frontier!—We* are to expect that they

* The legal limit to the interest of money in China is 3 per cent. per mensem: this, however, is *only* 30 per cent. by the year, as the sixth and twelfth months do not count, nor the intercalary month, when there is one. The interest is (by law) payable monthly, and compound interest entirely forbidden. The motive of the government in having so long permitted such high interest is thus explained in the '*Mémoires sur les Chinois:*'—'Partly to facilitate loans to those who require them, and partly to discourage luxury and prodigality, by hastening the ruin of all such as borrow merely to spend.' The scarcity of capital, however, in a country where property is not so well protected as in Europe, raises the profits of stock, at the same time that the insecurity of loans makes 12 and 15 per cent. a *common* rate of interest; and, in the case of the Hong merchants, the very strict monopoly which they enjoy of a highly lucrative trade in exports, enables them to retain a considerable profit for themselves, after paying an annual interest of 12 per cent., or more, whenever they require money.

† It is almost needless to mention that the Russians are forbidden to trade with China by sea, on the ground of their already possessing a land communication.

will

will look quietly on, while we overturn the whole existing system of our Canton trade.*

The Hong merchants themselves, while they admit that their close union would give them, over disconnected and individual traders, that power of dictating prices which the United Company now exercises over themselves, still declare that they would not willingly purchase this, at the expense of being security for sixty or seventy small private vessels, instead of the score of large Company's ships, containing the same tonnage, but exposing them to one-fiftieth part of the same hazard. Nay, it is an unquestionable fact that they will not *now* be security for any private ship without considerable delay and difficulty, and the previous safeguard of bonds and engagements on the part of the agents and masters. For the Company's, on the other hand, they cheerfully enter their names in rotation as each ship successively reaches the port; and the strict and efficient discipline† of these fine vessels fully justifies their conduct. The Hongs are not only held answerable by their government for the peaceful behaviour of every individual foreigner in the river, but the detection of a few smuggled watches in a ship's boat has brought a fine on the security merchant of that vessel to the amount of several thousand dollars. Let us see, however, what the whole trade would become, in the event of its being made promiscuous. The Council of the Factory observe, in their general letter‡ to the Court of Directors—

'The extensive contraband trade, which is now carried on at Linting and other places of anchorage at the mouth of the Canton river, has lately attracted the notice of the Chinese government, and armed boats have been fitted out, with orders to disperse all foreign ships engaged in illegal traffic. The only immediate consequence of this step has been the dispersion of the ships among the islands, and temporary difficulties interposed in the conduct of the trade. It is not

* The Chinese government, always extravagantly tenacious of established usage, is so little prepared to see the whole system of our Canton transactions overturned, that the chief Hong merchant, the organ of its sentiments, observed, in 1828, that he contemplated the practicability of such a change 'as one to ten thousand.'

† As a specimen, take the following extracts from the Standing Orders issued by the Council of the Factory:—'That you do not, on any account whatever, send any part of your ship's company on liberty to Canton.'—'That you do not permit more boats to come to Canton than are absolutely necessary; and that, when so employed, they return to the ship as soon as possible: that the time of their arrival and departure be noted in a book, kept for that purpose at the factory of the senior commander; and should the boat be necessarily detained in Canton for the night, that the men on no account be permitted to quit the factory after dark.'—'In addition to the foregoing instructions, you will obey such further orders as may be given to you by the senior commander of the Hon. Company's ships.'—Smuggling is likewise forbidden to every individual in the ships, under pain of forfeiting their privilege of private trade, and other severe penalties.

‡ Dated 29th December, 1826.

likely

likely that the Chinese will resort to the extreme measure of attacking foreign ships thus engaged; but, if this illegal commerce should continue to increase, through the abilities of the natives as smugglers, and the extreme corruption of the lowest customhouse officers, whose duty it is to put them down, there is every probability that the illicit traffic in this country will arrive at a height to interfere most materially with the revenues derived from foreign trade, and the emoluments which the government have previously obtained from it. Cargoes are now constantly carried down in ships from Whampoa to other ships at an appointed rendezvous among the islands, where the goods are transhipped, and all port charges thus evaded by the vessel which receives them. Under any other than the existing system, as established for the regulation of the commercial transactions of the East India Company, we are induced to believe that the trade to China would become nearly a smuggling traffic altogether, until the government of this country were compelled to resort to extreme measures for the protection of its own interests. Should the Chinese, becoming sensible of the evils resulting from the progressive extension of these illegal transactions, be induced to resort to violent means, it will remain our duty so to distinguish and separate the important interests committed to our charge, as to prevent their being involved in embarrassment.'

The virtuous Americans, whom certain theorists were lately so fond of quoting, are the very people by whom this smuggling traffic was in a great measure carried on. In fact, the temptation to evade the enormous expenses of the port is, in the case of a small private ship, almost irresistible. That portion of the port charges called the *present*, amounting to taels 1950 (650*l.*), is the same on all vessels, great or small; and the remainder only is levied in proportion to the measurement of the ship. This circumstance is a great advantage to the large Company's ships of fifteen hundred tons, which are charged with only the same *present* as with the smallest American schooner of a hundred and fifty tons. On a ship of six hundred tons, the whole of the port duties are not less than 2784 taels, (928*l.*) or about 30*s.* per ton. Besides this, however, the compulsory pilotage in and out of the river, is 120 dollars; the fee to each compradore, or licensed government purveyor, 200 dollars; to each licensed attendant on the ship, 200 dollars: while the high price of every article of provision in the river caused by the licensing system of the mandarins, is a mode of indirect taxation which falls very heavily on the contingent profits of a small ship's adventure.* We might, to be sure, try the experiment, and appear at Canton as a whole nation of smugglers, until the

* Some vessels can afford to consume nothing but their own biscuit and salt provisions during their stay.

government

government of the country, finding that no duties came in, would order us off from that port, as it before did from the ports to the northward!

The following are extracts from an edict, issued, in 1828, by the viceroy of Canton against the Americans, whose illicit dealings had been at last checked.

'The said barbarians a short time since repeatedly transmitted dunning petitions for things contrary to law, which showed their *stupid rashness*. From pity to these remote barbarians, I did not inflict chastisement, but ordered the Hong merchants to take measures of security. I likewise commanded them to communicate my orders to the said barbarian merchants to obey the fixed regulations in their trade. Now again they have transmitted a petition,* saying, "Let us be allowed to buy of the shopmen tea, silk, cloth, sugar, China-ware," &c. This, truly, is a wilful disobedience towards the fixed regulations of the Celestial dynasty, Their *perverseness and stupidity* have reached their height.'—'All principal articles of commerce must, without exception, be fairly traded in with the *mandarin merchants*.'—'If the shopmen carry on with the foreigners a clandestine trade, they shall be punished according to the law against traitorous Chinese holding a secret intercourse with foreign nations, and trading with them.'

The Company effectually prohibit, under pain of dismissal from their service, the importation into China of opium, and every other contraband article, in their own ships; and their servants at Canton are as effectually debarred from all concern in such traffic. So sensible are the Chinese government of this, that when, in 1821, they found it necessary to exact from every private ship in the river† a penalty bond, declaratory of there being no opium on board, the English Company alone were exempted from this humiliating obligation. But let us see how the Chinese themselves speak of the British factory. In a proclamation of the Canton government, issued in October 1825, we find this remark:—

'With the exception of the English chief, who indeed understands the great principles of moral fitness, and the foreigners of that nation, (the members of the factory,) who preserve due regard for their respectability, the American and country foreigners, (agents of the country trade between India and China,) regardless of the great

* These petitions were drawn up for them by the Hong merchants, and couched in the most abject terms which the Chinese language could supply. 'Prostrate, we implore,' (said these republican Jonathans,) that your Excellency will look down, and extend compassion towards us.' It is impossible to wonder at the insolent contempt of the reply.

† The American and country ships employed in the smuggling of opium never enter the river, but lurk among the islands without the port.

benevolence

benevolence and goodness of His Imperial Majesty, listen to, and allow themselves to be led away by, worthless Chinese.'

Compliments like the above, perhaps the first ever paid by this haughty government to any *barbarians*, could certainly not have been occasioned by feelings of particular affection towards the British factory, by whose steady power it has been controlled and thwarted in every attempt at tyranny and encroachment, and who wrested from it in the year 1814 the very first concession, in the shape of *personal negotiations* and a *written treaty*, that had ever been heard of at Canton. So low were the Chinese reduced on that occasion, that their agents were detected in the endeavour to persuade the commanders of the company's and country ships from their allegiance, by pointing out the immediate and personal loss which they incurred by the detention of the vessels! In the same year with the proclamation already quoted, the Company's Chinese secretary at Canton, with the sanction of the council, drew up an address to the viceroy for an American gentleman, requesting compensation for some severe losses which the latter had suffered through the misconduct of the Hong merchants. This address, on its being stated to come from an American, was returned *unopened*, with a written order from the viceroy, directing the Hong merchants to inform the Americans in general, 'that *none of their nation* were permitted to address the government in the Chinese character, this being a privilege exclusively granted to the Company in the 19th year of *Keaking*'—in fact, wrested from the government by the British factory, after a course of steady perseverance, and by wielding the whole weight of the trade in order to obtain this, and a long list of other rights and immunities, which had been so long denied them.

Let us now take a view of the return trade in tea. Dr. Adam Smith observes* that the old East India Company complained in the year 1730, of the competition of certain private traders raising the price of goods in *India* (before it belonged to us) so high, that they were not worth the buying; and combats this by saying, that 'the extraordinary demand which that competition could occasion, must have been but as a drop of water in the immense ocean of Indian commerce.' With India, the question has now little concern; but we will take leave to observe with regard to *China*, that the immensity of its ocean can to us be only a matter of innocent conjecture, as long as the contents of that ocean are dribbled out to Europeans through the narrow channel of seven or eight Hong merchants, in *Consoo* assembled. The extent and profundity of the waters, on the other side of the im-

* B. v. ch 1.

passable

passable dike, concern us little more than the oceans which perhaps exist in the moon; until, at least, we may think it worth while, by a partial conquest of the country, to compel the Chinese to adm t us on something like equal terms.* Dr. Smith himself puts forth the truism,† that 'a country which neglects or despises foreign commerce, and which admits the vessels of foreign nations into one or two of its ports only, *cannot* transact the same quantity of business which it might do with different laws and institutions.' It is only with the dribblings of their ocean, granted to us by the Chinese during our good behaviour, that we have any thing to do, and we may rest assured that they would take good care to enhance the price of the Pactolian rill, in exact proportion to the eagerness and ineptitude with which they saw us disposed to struggle for it. The argument must never presuppose any thing so totally opposite to the existing fact, as that China is disposed to open her foreign commerce to the extent to which it might be convenient or agreeable to Europeans to push it.

In the earlier periods of our China trade, the Company sent their ships singly to Canton, each with its agent on board, until it was soon found that every individual, bidding alone, was no match for the Hong merchants in their *consoo;* while the endless and intolerable aggressions suffered from the tyrannical government, and the insolent people, reduced them to the brink of giving up the commerce altogether, as the Spaniards have since done at Amoy, producing a crisis, in short, which the trade-doctors would fain bring about again. The establishment of a local factory, the heads of which, rising to their stations by seniority, must, of necessity, purchase knowledge by some twenty years' residence, and who, by holding the whole commerce in their single hands, might encounter monopoly with monopoly, and power and oppression with something like a counteracting check; such a measure was the obvious dictate of necessity, and its success has far surpassed the most sanguine anticipations,—raising our trade to an unparalleled height, while that of every other country, America included, has either vanished or declined. Many intelligent Americans have confessed, after a year or two's residence at Canton, that the English system has been a protection to *themselves* in some respects. They have long been compelled to adopt the expedient of fixing a great number of resident agents on the spot, with considerable

* This is a crisis for which the trade-doctors are quite prepared. The following is quoted in the *Morning Herald* for January 6:—'A few bayonets would do more to *settle questions* with them (that is, the Ultra-gangetic nations) than all the diplomacy in the world, for they seem really impervious to any argument but that of force or fear; and really in such case *I see no injustice* in using the strong arm.' This 'settling of questions' simply means—forcing them to trade with us. Here is *free trade* with a vengeance!

† B. i. ch. 9.

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establishments, the aggregate of which must exceed the expense of the Company's single one, and which occasion a charge of never less than five per cent. on all business transacted. But the connecting link of *union* between these has been wanting,—the trade of the Americans has rapidly declined, and they have suffered, moreover, disgrace and discomfiture so horrible, so unendurable, that their consul in 1821, a man of honour and feeling, resigned the empty title which could invest him with no power to avert such visitations from his countrymen. But more of this presently.

The instrumentality of the Company in keeping down the price of teas, (an advantage which, as all others buy after them, must of course extend beyond themselves,) we will prove by a single instance. In the year 1819, the manufacturers of black tea, with whom the Hong merchants contract for that article, hoping to carry their point by union and perseverance, combined for the purpose of raising its price Our annual purchase of these teas is to the amount of 1,500,000*l.* sterling. This formidable coalition was met by the council of the factory resolving, on the 22d of December,

'to adopt some decisive line of conduct, which should convince the Chinese, that the apprehension of the expense and inconvenience, to which the Company were exposed by the detention of the ships, should not induce them to swerve from the resolutions they had deemed it right to form, or, by conceding to the attempted innovations, permit a system to be established, which it would hereafter be out of their power to subvert.' The committee add, 'We consider the terms proposed, and the threats held out, by this body to be so perfectly inadmissible, that any alternative is preferable to submission. We are, however, viewing the subject in its worst aspect, and supposing, contrary to all general principles, that men, whose decided interest it is to accept our terms, will continue to be held in thraldom by a few rich individuals, who, by their superior capital, are better able to bear the heavy rate of interest, and to support the loss they will entail on themselves, by a perseverance in the line of conduct they have adopted.' *

The combination broke up about the 11th of January, until which time it was necessary to detain the greater number of ships; and the conspiracy was thus defeated by a steady perseverance on the part of the Company's servants, which it would be quite ridiculous to expect from a number of separate individuals, bidding against each other, and anxious to escape from the expenses and risks of such a port as Canton. We may add, that

* Canton Consultations. 1819.

any experiment like the above has never again been tried upon the factory.

Some of our uninformed readers will probably be surprised by the following plain statement of facts, presenting a picture of commercial transactions, as peculiar as the general character of the people among whom they have arisen; and showing the wholesome power possessed by the United Company over the otherwise formidable knot of *mandarin merchants*, as they are emphatically styled by their own government. All samples of tea, tendered by the Hongs, are sent to the British factory, and lodged in the 'Tea Hall.' These are carefully examined by the Company's inspectors, who employ five or six tests for that purpose; but whose best qualification for the office is, the gathered experience of years, and a thorough knowledge of the tricks of the Chinese manufacturers.* The inspectors decide on the character of each tender, according to a regular classification, in a slowly descending series from 'good' down to 'very ordinary,' each with its established price affixed. The matter is so far arranged, and the superior lots considered as accepted. But now observe the sequel. When the teas are ready for shipment, and even stamped with the Company's mark, the inspectors repair to where they are laid out, and select at random a proportion of the chests for examination. Should these not prove strictly correspondent to the inspected samples, the particular lot is at once reduced the requisite number of degrees in the scale of appreciation, or, if it be at all below the Company's standard, *rejected altogether*. The Hong merchant submits in silence, for the Company is not to be treated like a solitary trader. But this is not all. Should any number of chests, on being opened in London, be found to have been plundered or adulterated on their passage down to the ship at Whampoa, the Hong merchant of whom they were bought is debited the exact amount in the Company's books, and never dreams of raising an objection. But would it not be unreasonable and preposterous to expect, towards individual traders, an acquiescence from the powerful Consoo, which, towards the Company, is perfectly intelligible?—first, because it is not worth the Company's while to abuse the concession; and, secondly, because they *alone* have the power to enforce this most necessary check upon Chinese dishonesty. Such are the indispensable safeguards against an

* A few years since it was discovered, that the teas were frequently mixed with iron dust, or an earthy detritus strongly impregnated with iron, which made the article weigh heavier, but was no improvement to the contents of the tea-pot. The test contrived for the detection of this was a powerful magnet, which being stirred about among the leaves, came out incrusted with the detritus in question.

unprin-

unprincipled set of monopolists, and such the system which has enabled the Company to keep up the quality of its imported teas, so as to increase the consumption beyond that of the whole civilized world besides, and to pay at the same time a net annual revenue of between three and four millions. Some of the disappointed Americans, whose tea speculations have been ruined by the low prices* in Holland and America, would gladly see us brought down to a level with themselves. They have whined most pathetically about the Company *tyrannizing* over the Hong merchants; but it is such tyranny as the wolf's keeper exercises over the wolf.

Although unanswerable documents show that those who conduct the China trade are paid by a commission of only *two* per cent., while *five* per cent. is the lowest commission charged by private agents at Canton, certain persons have ventured to raise a cry about the high remuneration of the Company's servants. The trust reposed in men who have the annual outlay of two millions sterling, superadded to the responsibility of managing the most unmanageable government on earth; the fact that the smallness of their number infinitely counterbalances the amount of each individual's pay,—all this has been studiously kept out of view. The president of the British factory, after a progressive service in the country of some twenty years, and for conducting an intercourse whose value is best proved by the noise made about it, receives between nine and ten thousand pounds per annum, a sum that was lately paid to the governor of Prince of Wales' island, in importance a second *Barataria*. Our residency at Canton is, in fact, *as* necessary, and infinitely *more* profitable, than the college of Russians at Peking, which the government of St. Petersburgh wisely established as a nursery for young men, whose knowledge of the Chinese and of their language might make them useful public servants. That we did not irretrievably commit ourselves at Peking, and formally acknowledge Englishmen the slaves of the Chinese emperor, by licking the dust before his feet, we have to thank the experience of the British factory, and the firmness of Sir George Staunton. The period that has elapsed since Lord Amherst's embassy, unexampled for its freedom from aggression on the part of the Chinese, and marked by an extraordinary improvement in the tone of the government correspondence, has demonstrated the blessed effects of such wise and determined conduct, in proving to these haughty Asiatics 'that England will *not do any thing* for the sake of the trade,'—as our friends the Portuguese and Americans have often tried to make them believe. It was in this manner that the

* These prices have most absurdly been brought as a charge against the Company, while it was evident that they were often *below the purchase price* at Canton.

apparent failure of the mission was destined to prove the best kind of success, by having taught the Chinese to respect us. It is an indisputable fact, that the sum total of the *gain* which accrued to the Dutch, from the abject compliance of their ambassador, was a heap of *half-gnawed bones* from the emperor's table! This was literally and truly *all* that the high spirited and politic functionary gained for himself and his country, by hammering his bump of veneerativeness against the ground from one end of the empire to the other. The Chinese, as they led Mynheer and his suite through the country, never missed a plausible pretext for insisting on their repeating these dignified evolutions, in return for every dinner that was bestowed on them by the emperor's bounty; and the embarrassment of a Dutch-built stern in tight inexpressibles, afforded good sport to those insolent barbarians. So much for the wisdom of performing the *Ko-tow*. But it is the uniform policy of the half-civilized, ultra-Gangetic nations, from Tartary southward to Siam, to wheedle you, by false promises, into making a beast of yourself; and when you stand self-degraded, without a word to say in your own favour, to treat you exactly as such base conduct deserves. Our readers may recollect perusing, in a former number of this journal, the ill success of the governor-general's envoy to Siam.* This dignitary, after wading for two hours in his *stockings* through mud and water, in token of humility, to the royal elephants and monkies, had the mortification to observe the utter failure of his mission, which by a little more firmness and self-respect might have commanded something like decent treatment.†

The subject of our intercourse with China resolves itself, of course, into considerations of a two-fold nature, commercial and political; and after having already shown the benefit that our trade has derived from the resident factory at Canton, we will exhibit the good service that the same body has rendered to the public on occasions when unavoidable accidents have brought it into collision with the haughty and tyrannical government of the country. The contempt and exclusion in which the Chinese hold strangers makes the ignorant populace so insolent and aggressive, while at the same time this scorn is so well repaid by the other party, particularly the English, that affrays are not only more probable but

* No. LXV. page 121.

† This was, by the way, if we are to believe one of the pamphlets on our table, the very person who had some years before, in a contemporary review, abused the conduct of our embassy at Peking, and attacked our factory at Canton in an absurd farrago between compliment and scurrility. The 'Letter from a Resident,' &c., observes of him, with what justice let his own conscience decide, that 'at the very time he was anonymously traducing the system of the East India Company, he did not blush to receive situations at their hands, and to aid that very system which perhaps on the same day he had laboured to vilify through right and wrong.'

actually

actually more frequent, about the Canton river, than on any other spot in the world. While the chances of fatal accidents are thus multiplied, the local government has invariably shown that any European homicide who may happen to fall into their hands, whether guilty or not guilty of murder, is at once put to death, not *according* to the law, but in direct *opposition* to it. An increased acquaintance with the institutions of China has put us in possession of the fact that they perfectly understand the distinctions between *culpable*, *excusable*, and *justifiable* homicide; and that, in the administration of the law towards natives, the above distinctions are strictly kept in view. The Chinese government has pretended that 'foreigners shall be tried and sentenced according to the established laws,' but due experience has too plainly shown that they are *not* so tried or punished,—but seized only to be strangled after a mock trial. Every legal safeguard given to the native is withheld from the stranger. After being capitally condemned, every native prisoner (except in aggravated cases of treason, &c.) is allowed the benefit of the delay arising from an appeal to the Emperor himself, by whose warrant alone he can be executed. This benefit, by a most infamous enactment, passed in 1753, at the *recommendation* of the local government of Canton, was expressly taken away from foreigners! Such gross partiality,—such sanguinary injustice, demands the vigilant care and ready interference of our authorities in China to protect British subjects; and we are content to rest the claim of the Canton factory to the gratitude and approbation of their countrymen, on the firmness and success with which they have protected the lives of Englishmen, at all risks and losses to themselves and the Company, ever since the Chinese gave them the first specimen of perfidy in the fatal case of the gunner in 1784. The instances of their generous and successful interference are either so well known, or may be so easily learned by a reference to Sir George Staunton's 'Miscellaneous Notices,' or to the documentary evidence on the subject, that we will not detail them here. One thing, however, is certain, that no power or influence, but such as the East India Company exercises over the Chinese, ever did, or ever could, prove equal to the accomplishment of such ends, without actual war. Nay, in the last case of the frigate Topaze, they laughed at Captain Richardson, and told him they knew no English authority but the Company's factory.

As a signal contrast to the instances of our own countrymen, we will shortly state the unhappy and disgraceful American case which occurred in 1821, when an Italian sailor, on board a vessel of the United States, accused of murdering a Chinese woman, was delivered up to the government and strangled, though perfectly innocent of the crime imputed to him. The American captains and agents,

agents, whose commercial proceedings were put a stop to until satisfaction should be made to the government, persuaded this poor *Italian*, by name Terranova, that he would certainly be acquitted, and shortly restored to his ship! No sooner, however, was he in the hands of the Chinese, than a mock trial was instituted, at which not a single American was present. A body of the captains and officers of the East India Company's ships repaired to the Consoo or Court-house, but were refused admittance, on the plea that, as the prisoner was an American, it was no affair of theirs. It was afterwards learned, from some of the Chinese who were present, that after some questions put to the poor man, and the pretended examination of two witnesses, they produced a paper which they advised him to sign, by imprinting the mark of his open hand upon it in red ink. They represented to him that this was merely a statement of the trial, which must be sent to Peking for inspection, and that on the return of an answer he would most likely be immediately acquitted. The unfortunate man, surrounded by strangers, and put off his guard by the fair promises of a principal security merchant, imprinted his hand on the paper. All further proceedings were instantly stopped—it was a confession of his guilt. Poor Terranova, still ignorant of his fate, was taken to prison, and, according to Chinese custom in condemned cases, his irons were taken off, and he had plenty to eat and drink. On the fourth or fifth day after, the security merchants who attended his trial visited him, and told him that a reply had been received from Peking (distant 1200 miles), and that it was necessary he should go into the city, and hear the result. The wretched man, in high hopes of a speedy liberation, cheerfully obeyed; he was taken into the city, and the first intimation he had of his cruel fate was, the executioner and implements of death before him, with the heads of decapitated Chinese hung round an open space crowded with native spectators. He uttered a cry of despair, and was understood to protest his innocence, and to implore the sight of a European or American. The executioner paid no attention to his outcries, but immediately proceeded to strangle him according to the horrid Chinese mode, by the gradual tightening of ropes from the lower extemities upwards. His bones were all broken, and the mangled remains of the victim delivered up to the American consul! This officer, a man of honour and feeling, as we have before observed in reference to the same case, disgusted at the conduct of his interested and disunited countrymen, threw up his commission instantly; and even the lower orders of the Chinese expressed contempt at the willing blindness and credulity of the employers of the miserable Italian, who, to secure their own individual profits, persuaded

suaded the ignorant man to trust himself to a Chinese tribunal, divested, as they must have well known from the past, of all justice and mercy towards white strangers.*

But we cannot adduce a more striking proof of the substantial influence which the representatives of the Company exercise over the Canton government, nor of the estimate in which this influence is held by the natives, than by stating, that when natives themselves, connected with the European trade as pilots, compradores, or even Hong merchants, have been aggrieved by fearful extortions, (which must, of course, fall on the trade at last,) they have repeatedly engaged the good offices of the Company's council, who, by civil and temperate remonstrances, addressed to the proper quarter, have often averted the threatened evil. It must never be forgotten, that our own interest imperatively demands a *tolerable* degree of immunity to the natives themselves in their dealings with us, since we must ultimately feel the rapacity of the mandarins, in the enhanced price of what we buy, and the diminished price of what we sell. In a review of the Chinese laws, nothing is more striking than that, with apparent safeguards against every act of injustice and oppression, and with denunciations of the severest punishments against every abuse of authority, there should still be so much of the evil apparent at Canton. We must not, however, form an idea of the insecurity of property generally, from what we see of it at this remote corner of the empire, among the few engaged in European trade. The solution of the paradox is this,—that oppression in China is always exercised under the pretext of *some law* violated, or *some* regulation infringed. Now, the laws and regulations at Canton are peculiarly hard against all who presume to deal, in any way, with strangers, without an express license; and in the refusal of this license, or the question of its powers and extent, an unbounded field for the exercise of oppression offers itself. A boat from the commissioner of customs, and another from the police, are hooked on astern of every ship, from her first entrance into the river until the moment of her departure; and the very *porters* who carry goods for foreigners are specially licensed! The Company have contrived to do away with the means and pretexts of a great deal of abuse, though many of the immunities which they have obtained are restricted to *themselves;* they could hardly be expected, in fact, to be so Quixotic as to fight battles for the whole world. Evils which are of little consequence at present, as they are kept under by the operation of the present system, a system of gradual adapta-

* 'The Americans,' said a Mr. Shuttleworth at Glasgow, 'carry on a large trade with the Chinese, and that so successfully, that they have *never in one single instance* been involved in a serious dispute.'—*Orient. Herald.*

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tion to the *necessities* of the case, would, under a total change of circumstances, and after the confusion produced by the downfal of the Company, break out into full and uncontrolled action.—We confess that, in the whole circuit of our great globe, there appears to ourselves no people with whom we should be less willing to try experiments than the Chinese, and that we heartily concur in the following opinion, lately expressed by Sir George Staunton, in a private letter which we have seen:—'The homely maxim, to "let well alone," had never a more appropriate application, I think, than to the state of things in China, where every step you take (and steps you *must* take when your honour or rights are in danger) is a species of groping in the dark, and not seldom *per ignes suppositos*.'

To conclude.—If a great public body, which has so well discharged its trust in every relation, both commercial and political, raising our commerce with China to an amount which vastly exceeds the free trade of the Americans, and of the whole world besides, and maintaining our respectability in a way which has called forth the approbation of the Chinese themselves,—if this body, and the system inseparable from it, are to be overthrown, let it not be for any *contingent* advantages, or for the mere outcries of ignorant or mischievous individuals. It is a fact beyond the reach of controversy, that Canton has long been inundated with our manufactures, which are now selling at prices much below the cost of production. Where, then, will be the gain to our home industry? All the ports of China, except Canton, are as effectually barred by national jealousy as those of Japan; and to awaken this jealousy, by overthrowing a long-established system, is, we humbly apprehend, the very way, not to gain more, but to lose what we now possess in a state incomparably superior to every other European nation. With regard to the return trade, we have already shown how our factory has combated the narrow monopoly of the Chinese, and prevented the otherwise certain rise in the prices of tea. But we will state the consequences of a promiscuous trade, nearly in the words of the 'Letter' from Canton. Your free-traders will find the Chinese authorities and the mandarin merchants too untractable to be coped with; they will soon experience the contempt in which this people professes to hold foreigners and foreign commerce; they will soon discover their error, if they imagine they can persuade the Chinese to consider disputes with individual traders as entailing on them any estimable fraction of the risk and disadvantage which they incur in a contest with a powerful and united body like the East India Company—possessed of a weight and influence equal to stand against them—of *exclusive rights* gained

gained by that influence, and still openly denied to Americans and all other private traders. Absence of unanimity and combined operation will encourage the Chinese. There will be no one to whom the aggrieved free-trader can apply for redress. If he goes to a *mere* consul, the Chinese government disdains to communicate with him; if to a Hong merchant, he is a member of the *Consoo;* or if ever so willing to do a good-natured act on an indifferent occasion, he has too much to solicit on his own account, and entertains too just a dread of the mandarins who are *not* merchants, to forward any appeal to them which might involve himself in trouble.

If, however, the raging hunger of experiment which characterises us at present, and which has generally hitherto 'instead of fruit, chewed bitter ashes,'—if this must be gratified, let not every thing be risked at once. We have already expressed our belief that there are points which might be modified, if not with any prospect of advantage, yet without much chance of danger or detriment. We have seen that private British traders from India, placed under the control and protection of the factory, have succeeded in a trade of *raw produce.* Let the same license be granted to private traders from England, however unpromising the prospect, for *manufactured goods.* Let them add to the heaps of unsaleable British and European articles already taken to Canton—*ad libitum.* The license has, in fact, for a long time substantially existed; and India or Sincapore have for several years served as a convenient channel. Let private ships have leave to take teas to all our colonies, and to every country in the world—except England; since *that* must not only annihilate the Company, with their dividends and their remittances, but produce, instantly and inevitably, the most inconvenient results to the Chancellor of the Exchequer. In short, let British subjects of every description be able to do all that the Americans have hitherto been said to do for them; and when they have met with the same success, we have no doubt that their ardour will in like manner be materially cooled. In such case, however, we would strongly advise, with Sir George Staunton, that the president of the British factory should have the additional title of King's Consul. We do not recommend this in reference to the *Chinese,* for they neither know nor care what such titles mean, and have already shown their contempt for what to them are mere empty names; but if the resort of private British traders to Canton is to be materially facilitated, there will be a prodigious increase of disagreeable collisions of all sorts, and the newcomers will have fewer pretexts for being troublesome, if our chief resident have the *name* superadded to the *substance* of authority. It is obvious enough,

enough, persons proceeding direct from England would have a greater inclination to dispute the orders of an officer not expressly delegated by the crown, than those who, coming from India, have been accustomed to see the local sovereignty of the Company fully recognised, and to comport themselves accordingly.

ART. VII.—1. *Suggestions sent to the Commissioners appointed to inquire into the Laws of Real Property, with Minutes of the Evidence given before them.* By John Tyrrell, Esq., Barrister. London. 1829.

2. *A Letter to his Majesty's Commissioners for an Inquiry into the state of the Laws of Real Property, on the subject of the proposed General Registry.* By Richard Holmes Coote, Esq., Barrister-at-Law. London. 1829.

3. *A Letter to the Commissioners for an Inquiry into the state of the Laws of Real Property, containing observations in favour of a General Registry.* By Robert Walters, Barrister-at-Law. London. 1829.

4. *Observations on the proposed establishment of a General Registry.* By John Hodgkin, Barrister-at-Law. London. 1829.

5. *A Letter to his Majesty's Commissioners for an Inquiry into the state of the Laws of Real Property, in answer to some objections against a General Registry.* By W. P. Wood, Esq., Barrister-at-Law. London. 1829.

6. *Outline of a Plan for a General Registry.* London. 1829.

PERSONS contracting for property held by title are exposed to the risk (in a great measure peculiar to such transactions) of being misled by an apparent title—a species of imposition requiring no ingenuity, for it may be practised, in many cases, merely by withholding a deed, and inviting to those who have discarded honesty, but fear shame, because it requires no accomplices, and the discovery of the fraud may generally be postponed till the perpetrator is in his grave. This danger has been met, in most civilized countries, by registers of title-deeds. These registers, as might be expected, are various in their plans, and aim at various objects; but, in every case, they profess to enable parties, investigating a title, to ascertain that no instrument has been withheld which can affect them or the property in their hands—in short, that they are not imposed on by an imperfect title. The obvious principle of such an establishment is, to require all title-deeds to be registered or memorialised, and to enforce that requisition by denying any effect to instruments not registered

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or memorialised, or attaching to them some relative inefficiency; and the highest excellence of a register is, to contain some notice of every instrument affecting property, and means by which a person, investigating the title, may search for such notices without risk of miscarriage, and with the least possible expense of labour in examining instruments which are irrelevant. A register may aim at other objects: it may contain pedigrees, and be made a depositary of original deeds, or authenticated copies; and other matters, highly useful in perfecting and preserving evidences of title, may be combined with, or engrafted upon, a register; but they are not essential to its perfection, and are, in fact, foreign to its primary purpose.

In a simple state of society, the objects of registration were answered by rules attaching notoriety to transfers of land. This notoriety might really be attained when the immediate occupier, or the person receiving the rent, was generally the absolute owner; and when transfers were of rare occurrence, they stood some chance of being remembered. But, when lands become subdivided, and the ownership of the soil is broken up into minute portions, each of which is the subject of frequent transfers, and undergoes modifications never dreamt of in simpler times, notoriety of transfers ceases to be aimed at; for, if attainable, it would be without value, when men's memories are too much crowded to retain matters in which they have no immediate interest. Indeed, who could be expected to remember the transfer of an interest, which a plain man could not describe, or even comprehend without an effort. Under the most favourable circumstances, the notoriety of transfers, without any better record than the fragile memory of witnesses, was a rude expedient, and suited only to the rudest times. In England, the inefficiency of these methods has long been felt; and, accordingly, feoffments have fallen into disuse, attornments are at an end, and proclamations on fines are (for the present purpose) a mere farce. Having outgrown the expedients of simpler ages, it might be expected that we should have led the way to other nations, or at least rapidly followed them, in the adoption of registration as a more perfect substitute. The fact, however, is just the reverse; while all other civilized countries have such establishments, England is without any general register of title-deeds. It will, perhaps, be imagined that some reasons exist, making registration less necessary in this country than elsewhere; but in this instance, also, our preconceived notions would mislead us. Every imaginable circumstance combines to make registration desirable *here;* land is parcelled out into the minutest subdivisions—by means of trusts, it is invested with the attributes of mere personality, and made to undergo every conceivable metamorphosis

morphosis which the convenience of society, and even the caprice of individuals, can dictate; and, lastly, while the practice of foreign countries shows the utility of registration generally, the examples of Ireland, and of York, and Middlesex (where there are registers) prove that there is nothing in the law of England fundamentally inconsistent with the practice.

The Irish registers, and the existing registers in England, are, however, very deficient, and there are peculiarities in the law and in the ordinary transactions relating to land in this kingdom, which create great difficulties in devising a more perfect plan. These difficulties have been considered insurmountable by persons whose opinions are entitled to great weight, and there is no doubt that they have hitherto kept us in the rear of other nations, in a point of internal polity, of no less importance than the security of titles of landed estates.

There are persons who object to registration as uncalled for, and likely to be mischievous, without reference to the defects belonging to any particular plan. Mr. Coote seems to be of this number; in his pamphlet he broadly states, that a register would injure commercial credit, make inconvenient disclosures of family transactions, lay an additional tax on land, and render titles insecure. Now, supposing the sort of credit here spoken of to be entitled to all the benefit of secresy, and that a marriage settlement ought to be as carefully secluded from the public gaze as an Asiatic bride; there is, in fact, no reason why a register should violate any of these privacies. It may be perfectly effectual for all the proper purposes of a register, without making any disclosure of the objects of the instrument registered; or if it be thought fit to register deeds at length, means may be devised for preventing an inspection of the record, except by persons who have a legitimate purpose. The question of disclosure, however, is not, in our opinion, of sufficient importance to determine whether deeds should or should not be registered at length, far less to decide whether they should be registered at all. These objections, it must be admitted, are directed against a particular supposed system of registry; but Mr. Coote distinctly states that he objects to the general policy of any such measure, and prefers the present system of protection by means of outstanding legal estates.

Not satisfied with the arguments which his own respectable talents suggest, he endeavours to terrify his opponents by dark surmises of undiscovered perils attending registration. 'The men,' he says, 'of great depth of thought and general learning, who have preceded us,' the *ante Agamemnona fortes* of the law, would not have left a measure unaccomplished, the advantages of which

which lie on the surface, but for solid objections which a deeper consideration discloses. We have never been suspected of an undue love of innovations, but we cannot come up to Mr. Coote's mark. 'Tant mieux sans doute si la raison est d'antique origine, mais fût elle une parvenue, encore faudroit-il l'accueillir.' This gentleman's intimation that the present system 'works well' for the protection of the community, resolves itself into an assertion without proof, and he must be satisfied with an assertion by way of answer. In our opinion, the system does not answer well. It cannot be too strongly impressed on the public mind, that there is no such thing in England as perfect security in dealings with real estates. If *estates* are not often *lost* from defective titles, such losses *do* occasionally occur, and nothing is more common than to find the benefit of a *security upon land* lost or *diminished*, by causes which a register would remove. The facility with which frauds may be committed is truly alarming. A purchaser has no possible means of ascertaining that the seller of an estate has not previously settled it, and merely retained a life estate or some other interest entitling him to the custody of the deeds, and the immediate enjoyment of the rents. When an estate is settled on one for life, and the reversion expectant on the life interest limited to another, or perhaps to several others, a purchaser from the tenant for life, and the apparent owners of the reversion, has no means of ascertaining that the latter have not mortgaged or sold to a person who would, beyond all question, exclude the subsequent purchaser.

Mr. Tyrrell mentions the case of a person, who, being tenant *in fee* of one estate, and tenant *for life* of another, procured a private act of parliament to exchange the estates. He then went into the market and sold the estate of which he was originally tenant *in fee*, merely by withholding the act of parliament; and in due time sold the estate of which he was originally tenant *for life*, by producing the title acquired by the act. It is needless to multiply instances of this description: they are not unfrequent, and are generally ruinous in their consequences; for they come upon parties unexpectedly, who are apt to consider that the permanent nature of the land itself imparts something of its own peculiar stability to their title to its enjoyment. We cannot omit one point which we think nothing but the habit of advocacy could have induced a gentleman of Mr. Coote's penetration to bring forward. He argues, that the present system of protection by outstanding legal estates answers the purposes of a register. Now, supposing legal estates to be of any value in this view, (which they are not,) they occur only in some titles; and when they do occur, they afford no protection against incumbrances of more

more ancient origin. The protection they do afford may be taken away by very slight circumstances of constructive notice. The expense of getting them in (as it is technically expressed) is in all cases infinitely greater than the expense of registration upon any reasonable calculation. We ought to add, that the whole expense is in many instances pure loss—from being laid out in procuring an assignment of a term which has been already assigned, or which may be presumed to be surrendered, or the title to which may otherwise be bad; for it ought to be observed that this precious system increases the risk as well as the expense of purchasers, by requiring the investigation of two or more titles. In short, the protection afforded by legal estates is partial, incomplete, precarious, and expensive. But the most singular point still remains to be noticed. Legal estates only protect one man at the expense of another, who (it may be presumed) is just as meritorious, has paid his money as honestly, and in every equitable view is as much entitled to be protected as his more fortunate opponent. Procuring a conveyance of a legal estate has nothing to do with giving security to titles: it merely shifts a loss from one man to another; and how Mr. Coote could be guilty of so palpable a *bevue*, as seriously to bring forward this in a discussion of what was for the benefit of the community, we are quite unable to guess.

Though England has no general register, there are several sorts of assurances and acts affecting lands which are enrolled or memorialised, or in some manner put on record. Even these are not to be found in one general establishment. On investigating a title, a purchaser has to search for judgments in one place, for fines and recoveries in another; bargains and rules are enrolled in a third, annuities are memorialised in a fourth, and wills essential to the title may be scattered over half the ecclesiastical courts in the kingdom. When all the trouble, delay, and expense, which these searches occasion, have been incurred, the whole estate may be swept away by an extent from the crown, founded upon a security which is registered nowhere. Three-fourths of the assurances affecting lands are executed in private, and, though vitally important to a title, exist nowhere but in the strong box of the proprietor, and are produced or withheld as it may suit his interest, or his inclination to act honestly or commit a fraud.

Entertaining such opinions upon registration, we were greatly pleased to understand that the subject was under the consideration of the commissioners appointed to inquire into the state of the laws of real property. The members of the original commission made a report upon several important heads, before the close of the last session of parliament. This report was, on the whole,

whole, highly creditable to the talents and diligence of the framers. Three new members have since been added to the commission—Mr. Sanders, Mr. Duval, and Mr. Tyrrell. The work named at the head of this article affords the most satisfactory evidence of the ability of the last of these gentlemen, and of the interest he feels in the business of the commission. Mr. Sanders, besides enjoying a high reputation as a practical lawyer, has been long known to the profession as the author of an 'Essay on Uses and Trusts,'—a book which exhibits more thought and more exact knowledge than any work on English law since the celebrated 'Essay' of Mr. Fearne. Mr. Duval, to great experience, and consummate skill as a conveyancer, is said to add the soundest judgment and talents for analysis and arrangement, which fit him in a peculiar manner for the duties of the commission.

It could hardly escape these commissioners, that many of their proposals for amending the law could only be hypothetical, till the important question of registry was decided; and, accordingly, a series of questions, circulated by them on the subject, has, we presume, elicited the pamphlets of Mr. Coote, Mr. Walters, Mr. Wood, and Mr. Hodgkin; all, except the first, recommend a register, and their opinions are entitled to attention from the intelligence and ability with which they support them.

Strongly as we were impressed with the magnitude of the evils resulting from the want of a register, we confess that the seeming difficulties of the subject prevented us from entertaining any sanguine expectations of seeing such an establishment. A little paper lately put forth by the commissioners under the title of 'An Outline of a Plan for a General Register,' has tended greatly to diminish our apprehensions. We would not be understood to pledge ourselves for the success of a new proposal upon a subject of great difficulty and vast importance: but the paper in question (it consists of only six pages) not only exhibits the simplest and most ingenious plan we have yet met with, but, we are strongly inclined to think, a *bonâ fide* practicable plan for a sufficient register.

The existing registers in England, and the Irish register, are indexed by means of alphabetical lists of the names of the grantors in the deeds. The defects of this plan, when carried to the highest perfection of which it admits, are apparent. The occurrence of common names must perpetually lead persons making searches into unnecessary inquiries. Indeed, it is often a matter of some nicety to determine who the grantor in a deed is; the owner of an equitable interest, who is substantially the grantor, in many cases, parts with his interest merely by directing his trustee to convey, or by other means, without using any formal words of granting.

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When it is considered how many persons may be competent to incumber an estate in the course of a long title, it is obvious that the labour is endless of arriving at a negative assurance that all the deeds which can affect the title have been produced. We have reason to believe, that the labour of making effectual searches in the Middlesex register not unfrequently deters parties from the attempt. It is clear, therefore, that the plan of indexing by names should be resorted to sparingly, as its utility depends upon the names not being too numerous. Mr. Tyrrell, in his able work, suggests, that an index, besides referring to the names of grantors, and to the parishes or places (as in the Middlesex register), ought to refer to the particular lands. He proposes, that parishes and places should be subdivided, and that every estate in each subdivision should have a particular denomination or mark, and be described at the top of the page which contains the index of the documents relating to it. To give effect to this plan, every deed must contain an exact description of the lands conveyed, or a reference to such description. Mr. Tyrrell seems to think, that nothing but a map could sufficiently identify the lands. The most perfect mode, in his opinion, would be, for every parish or place to be required to furnish a map previously to the commencement of the register, with a book of reference containing the names of the owners, and that every deed should contain either a reference to the plan furnished by the parish or place, or a map of the particular lands which might be compared with the parish map. As far as we understand this scheme, its practical success seems to depend upon the boundaries of land remaining unchanged; and Mr. Tyrrell seems to be aware of this, and assumes, we think too readily, that changes of boundaries rarely occur. But such changes do occur, and alterations take place which would daily diminish the practical utility of the parish maps. Mr. Tyrrell is so sensible of this, that he contemplates a periodical renewal of the maps. This admission shows that the machinery of the index would have a tendency to wear out—in fact, that it would not be at all times equally fit for its purpose. We think, that a scheme of this nature ought in *pari materiâ* to possess a uniform suitableness to the purposes it professes to answer. These observations apply to the parish maps only, as a foundation for the index of a register; for there can be little doubt of the advantage of every conveyance having a map of the particular lands, provided the public could be induced to submit to the trouble and expense, and to forego the facilities which are afforded by the use of general descriptions.

We should feel it our duty to make a more detailed statement

ment of Mr. Tyrrel's plan, but he has saved us that labour by the proposal which he and his colleagues have since laid before the profession in the paper above alluded to,—a proposal which is founded, we think, on a juster view of the nature and objects of what a register must be to suit the laws and state of real property in England. The index should not lead to every deed executed concerning lands in the same parish or place, by every person bearing the same name with any party who has had the power, during the same period, of incumbering the estate, the title of which is under investigation. It is impracticable to append the index to lands, the quantity and boundaries of which are fluctuating. The true scheme, if we are not greatly mistaken, is proposed by the commissioners in their outline. They do not propose to index the title by means of the names of parties to deeds, or by means of the lands; but *they index the title itself.* We shall quote the words of the commissioners, as we despair of equalling the brevity and exactness of expression with which they explain their views. After proposing that there shall be one register established in London for England and Wales, which, for the purpose of the register, shall be divided into districts, they proceed,—

'Every document affecting land (with the exception of wills, conveyances to the assignees of bankrupts and of insolvent-debtors, judgments, and crown debts, and of such agreements, leases, and copyhold assurances, as it may be thought proper to except) to be registered at length in the register for the district in which the land is situate.

'In every case where the grantor does not derive title under a document before registered, the registered document to be indexed under a separate head, with a conventional designation (a number) attached to such head, and the symbol to be written in the margin of the document, or indorsed on it by the officer of the register.

'Every document where the title of the grantor is derived under a registered document, to be indexed under the same head as the document first registered, and the symbol to be written in the margin, or indorsed.

'In every case, the index to specify the date of the registry, and contain a reference to the book, &c., where the document is registered.

'Provision to be made for cases where it may be desired to bring together, as to future title, separate properties, or separate interests in the same property, by a power to index, under an existing symbol, documents conveying any property or interest, the title to which is not derived under the document first indexed under that symbol. In such cases, if the grantor derive title under a registered document, a reference to be entered in the index into which the document is intro-

duced, to the symbol attached to the registered document under which the title is derived.

'Provision to be made for the separation of titles by a power to index under another symbol any document affecting part only of property, the title to which is indexed under an existing symbol, or a partial interest in property is held under a registered title. An entry of the transfer to another symbol to be made under the original symbol.'

It will be observed that this plan attaches the index at once to the title, which would appear to be the direct and natural, though not the obvious, course. The exception in the first paragraph relates to instruments which cannot be attached to any particular districts, as they may embrace property, the local situation of which may be unascertained, and to certain agreements and leases, which may be properly excepted from registration, from the tenuity of the interests involved, or from their temporary duration. It will probably be considered, that the court-rolls form a sufficient registration of legal assurances of copyholds. It is proposed that wills and conveyances to and by assignees of bankrupts and insolvent-debtors shall be indexed by alphabetical lists of names. This, indeed, seems the only species of index which can be resorted to in such cases. Conveyances by devisees are to be indexed either under the symbol of the prior title, or under a new symbol, at the option of the grantee: in case a new symbol be adopted, reciprocal references are to be made from the old and new symbols. These references, however, are not to be essential to the validity of the registration, which is not to be affected by any mistakes or omissions. The references are made directory only in order to diminish the risk of failure in the registration,—a risk which is obviously increased by multiplying the essential requisites to a valid registration. The chasm which an omission to make the reference would occasion, is proposed to be supplied by a reference (which is to be essential) from the index of wills to the symbols under which the titles derived from each will are indexed,—the will itself being, in the first instance, found by means of the alphabetical list of testators. Similar provisions are to be made with respect to conveyances by assignees of bankrupts and insolvent-debtors. Conveyances by heirs-at-law are to be indexed under the old symbol, or if under a new symbol, reciprocal references to connect the old and the new titles are made essential to the registration. Or (the commissioners suggest) a claim of descent by heirs-at-law may be entered in books kept for that purpose, from which entries references shall be made to the symbols under which conveyances

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by them are indexed. It is assumed that parties searching have informed themselves, *aliunde*, who the heir is, and his claim of descent may be found by means of an alphabetical list of names. Power is to be given to index assignments of charges made by will under new symbols. In such cases, references are to be made to the new symbol from the index of wills. It is obvious that the property affected by these charges (and there are other instruments to which the same remark will apply) may not be known, and therefore such assignments are to be registered in a department not connected with the division into districts. Thus every document placed on the index for a district will form the root of a new title, which will continue to be indexed under that symbol, till transferred to another under the provisions authorising such transfers.

The commencement of the registered title is proposed to be indicated and connected with the prior title, by means of an alphabetical list of the grantors in the deed with which each registered title commences. It is proposed, that on sale of part of an estate indexed under a symbol, the vendor shall have the right to require the conveyance to be indexed under a new symbol, and a specification of the parcels sold to be entered under the old symbol. This will be of great practical convenience—in saving the necessity of examining the conveyance of the part sold off on a subsequent sale of the remaining part of the estate, and a provision, having the same object, is proposed to be applied to cases of conveyance of partial interests. The following statement of the operation of the system is from the commissioners' outline.

'After the establishment of the register, the investigation of the title will commence with a search of the alphabetical index of the names of grantors, in order to ascertain that no document affecting the title has been registered, or to obtain a reference to the symbol under which the first registered document is placed; and when required by the facts subsequent to the commencement of the register, and before a reference to the index of the names of grantors in a registered document, recourse will be had to the alphabetical indexes of wills and claims of descent; and the alphabetical indexes of conveyances to the assignees of bankrupts and of insolvent debtors, will be resorted to where such a precaution is deemed necessary. As to the subsequent title, no searches, involving risk of failure, either by the solicitor or the officer of the register, will be necessary, except as to wills and conveyances to the assignees of bankrupts or insolvent debtors, which, comparatively, will occasion little difficulty. The searches of the alphabetical indexes, or the symbol attached to the title-deeds, will lead to the proper head in the index for the district, or (in cases of title created by will) to the head under which a charge registered in the general department is indexed.'

What we have stated will give an intelligible view of the subject, and indeed comprehends all that is essential. The commissioners, however, propose that the officers of the registers, after the requisites to a valid registration have been complied with, shall make entries in the index (in columns allotted for that purpose) of several additional particulars, relating to the instruments which are registered. They also propose to provide for the case (which, we agree with them, must be of rare occurrence) of a total want of documentary evidence, and ignorance of title, by means of such a *directory to symbols* in books kept for making entries of such particulars, as may enable the officers of the register to search for the symbol attached to any property, the title of which is required to be investigated.

As we think that the inconveniences and positive evils resulting from the want of a register can hardly be overrated, and reflect no small discredit on the internal polity of the country, we congratulate these commissioners on the great advance they have made in overcoming the difficulties of the subject. We are sensible of the difficulties which still await them in following out the details of the measure, and we are aware of the many important questions they will have to discuss as to its effects. But we mean to follow their example in confining ourselves, for the present, to the plan of the register. No doubt, more mature reflection may lead to alterations and improvements in some of the proposals we have been detailing; but we can scarcely doubt that the leading principles of the plan are correct, and that it may be put in practice with incalculable advantage to the community. To conclude, we observe with pleasure, that though the commissioners propose that there shall be one general register for England and Wales in London, and that the deeds shall be registered at length, the principle of the plan is quite compatible with an alteration in both particulars, and will apply equally well if it should be ultimately determined to have a local register for each county, and to memorialise deeds instead of registering them at length. As a proposal for registry will certainly meet with opposition, we hope that the favourers of the general measure will not put its success in jeopardy by being too tenacious on points of comparatively little importance.

ART. VIII.—1. *First Report made to His Majesty by the Commissioners appointed to inquire into the Practice and Proceedings of the Superior Courts of Common Law.* Ordered by the House of Commons to be printed 20th Feb. 1829.

2. *Reports from the three Select Committees on the Administration of Justice in Wales, with Appendices.* Ordered by the House of Commons to be printed, 4th July, 1817, 13th July, 1820, 14th June, 1821.

3. *Letter to the Right Hon. John, Baron Lyndhurst, Lord High Chancellor of England, on the Administration of Justice in Wales.* By John Frederick, Earl Cawdor. Edinburgh, 1828.

ONE of the measures consequent upon Mr. Brougham's speech in the House of Commons, on the 7th of February, 1828, consisted in the issuing of a Commission, on the 16th of May following, to five individuals, all eminent in common-law practice, and some of them the most acute and intelligent advocates of their day, authorizing them to inquire into the system of proceedings in the common-law courts, with a view to their improvement. The massive volume now before us is the First Report, from this Commission, presented to the House of Commons on the 18th of February, 1829. It appears to us to be worthy of the individuals whose names are appended to it—highly creditable to their industry and research, as well as to their acuteness and legal knowledge, and well calculated (though we are far from agreeing in all its conclusions and propositions) to effect salutary amendments in some important common-law proceedings, and to promote, at least, a complete understanding and appreciation of the merits and defects of all those proceedings which are handled. The commissioners have divided their comprehensive inquiry into twelve heads :—1. The dispatch of business in the Courts at Westminster, those of the Counties Palatine, and of Wales. 2. 'Process,'—or the forms and procedure in use in commencing actions, including the proceeding of arrest for debt. 3. 'The pleadings,'—or entries on record of the technical statements of each party in the suit. 4. Proceedings on issues of *law*, that is, on the argument and adjudication of questions of law solemnly referred to the judges for decision. 5. Proceedings on issues in *fact*, that is, issues triable by juries, including the multifold matters of evidence, oral and documentary, proceedings at Nisi Prius trials, and motions for new trials. 6. Judgment. 7. Proceedings before courts of error. 8. Executions, whether against the person or the property of the defendant. 9. Costs. 10. Fees of office. 11. Arbitrations. 12. Miscellaneous matters relative to practice and proceedings.

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The present Report treats only of the two first heads; and the commissioners (though deprived of the most eminent of their body, by his most deserved elevation to the bench) are proceeding steadily in the investigation of the other subjects. Some persons, unacquainted with the nature and difficulties of the task, may perhaps express surprise at no more having been yet accomplished by the commission; we will say for ourselves, that when we consider the extreme complication and difficulty of the subjects of inquiry, the necessity for long and tedious examinations and re-examinations of a multitude of practitioners, the laborious thought and reiterated consideration necessary to arrange the materials acquired, and to deduce from them just conclusions as to the advantages and defects of the proceedings investigated,—to arrive precisely at the true causes of embarrassment and difficulty,—and to frame and adapt to these remedies at once adequate and harmless,—we are quite astonished that, in the short space of nine or ten months, the commissioners could have advanced so far in so perplexing a task, consistently with the pressing calls of professional practice.

The commissioners, before entering upon the investigation of the forms of Civil Procedure, with a view to their simplification, have wisely, in the outset of their inquiry, taken into consideration the actual arrears of business in the common-law courts, the quantum of judicial labour at present struggling to dispose of them, the practicability of rendering this labour more efficient by a better direction of its force, and the expediency of increasing it by the addition of new judges. To reform effectually the judicial forms and technical proceedings, in all points in which they are capable of improvement, must be a work of some duration. But in the mean time it is of the utmost importance that, if the bench requires reinforcement by creation of new judges, these hands should be sent into the vineyard immediately; and that, if causes can be more speedily despatched by any improved distribution of judicial time, and any better arrangement of business, these changes should be made at once, since the making of them requires no delay. Though we have no doubt that an increase in the number of judges must form a main feature in any such plans, we think it equally clear that much requires to be done in addition to that measure—that the labour of the existing judges is very far from being turned to the greatest effect; that four, at least, of them (those of the Exchequer) cannot be said to labour at all (unless at the severe task of killing time); that four others are only moderately employed;—while the truly arduous exertions of the four judges of the King's Bench might produce considerably more advantage to the public, by an improved arrangement of the business which they despatch. The

The following table will show the prodigious quantity of litigations annually brought before the superior courts in London, the rapid increase which has occurred in them in five years, and the comparative amount of business despatched by the three superior courts.

KING'S BENCH.	Actions commenced.	Crown Paper.	Civil Paper.		Rules Nisi for New Trials.	Judgments in Misdemeanors.	Nisi Prius Causes entered.	
			Demurrers	Special Cases.			London.	Middlesex
1823	43,454	Session and other Crown Cases, no annual return.	37	36	85		788	686
1824	46,814		45	41	125	About	971	724
1825	55,362		34	41	115	39 annually.	1202	962
1826	69,020		34	28	97		1914	1178
1827	66,459		39	40	145		1834	1228
	281,109	220	189	186	567	195	6709	4778
COMMON PLEAS.			Rules for Concilium.					
1823	13,009	.....	46		81	.....	299	146
1824	12,568	.....	45		43	.....	293	141
1825	14,557	.....	34		54	.....	307	184
1826	21,495	.....	42		68	.....	705	316
1827	18,529	.....	34		115	.....	726	362
	80,158		201		361		2330	1149
EXCHEQUER.			Rules for Concilium.				Entered in Town.	
							Revenue.	OtherCas.
1823	6778	.....	9		19	.....	113	49
1824	6036	.....	14		13	.....	149	73
1825	6240	.....	17		35	.....	106	57
1826	9746	.....	21		15	.....	95	150
1827	8397	.....	15		31	.....	82	143
	37,197		76		113		545	472

From this table it appears that the number of actions *commenced* in the superior courts at Westminster, on an average of five years ending 1827, was near eighty thousand per annum, and that in that short space of five years there had been an increase of considerably more than one-half on the amount in 1823,—that the causes actually *entered for trial* in London and Middlesex at Nisi Prius, were annually near three thousand two hundred, and that between 1823 and 1827 the number had more than doubled—an increase which, we believe, is still going on in about the same ratio. So much for the quantity of business in all the superior courts:—Now for the amount disposed of in each court. The number of actions commenced annually (taking the average of the above five years) in the King's Bench appears to have been above fifty-six thousand; while those originated in the Common Pleas were only about sixteen thousand (between one-fourth and one-third of those in the King's Bench); and those commenced

commenced in the Exchequer did not much exceed seven thousand, being little more than one-eighth of the number in the King's Bench. The proportion between the causes entered for trial at Nisi Prius in the King's Bench and Common Pleas, was nearly in the same ratio.

The amount of matters disposed of by a court is the true test of its labours and its efficiency. The number of hours during which its judges sit is a far less accurate criterion. In every species of labour, the half-occupied and less skilful artificer will bestow as much time on a small quantity of business, as the more vigorous and more actively employed workman will require for double the amount. Accordingly, though the Court of Common Pleas does not dispose of one-third of the business despatched by the King's Bench, and the Exchequer not more than one-tenth, yet the number of hours devoted to business by the two latter courts is not disproportionate, in the same degree. The Court of King's Bench appears to sit sixty-four days in the year *in term*, at six hours a day; while the recently established Court of Three Judges of that Bench sits for the despatch of term business, (hearing of special arguments, and the decision of questions of law,) about forty-three days in the year out of term; making one hundred and seven days of term sittings, at six hours per day. The Common Pleas (having no sittings *in banco* out of term) sits only sixty-four days of six hours; and the Court of Exchequer sits sixty-eight days in term at only *two hours* a day on an average. The Nisi Prius sittings for trying London and Middlesex causes, occupy the chief justice of the King's Bench one hundred and twenty-six days in the year; while those in the Common Pleas take up only one hundred and four, and in the Exchequer only forty-two days. The business disposed of at chambers by the judges (which, though of a subordinate kind, is of essential importance to the progress of causes, and of growing increase) occupies a judge of the King's Bench about one hundred and eighty-five days, at two hours and a quarter every day—a judge of the Common Pleas about one hundred and sixty-eight days, at one hour and three-quarters—and a baron of the Exchequer one hundred and five days at less than one hour each day. Such are the very disproportionate labours now performed by the several courts, notwithstanding they all possess an equal number of judges, a full complement of officers, and, with very slight exception, an equal jurisdiction to decide all manner of causes. The following table will show the exact arrear of business existing in the courts at Michaelmas term (November), 1828, and the increase since the same period in 1824.

ARREARS

ARREARS AT THE BEGINNING OF MICHAELMAS TERM, 1824, 1825, 1826, 1827, 1828.

	Years.	Crown Paper.	Civil Paper.	New Trial Paper. Civil.	New Trial Paper. Crown.	Peremptory Paper. Civil.	Peremptory Paper. Crown.	Nisi Prius Cause Papers. London.	Nisi Prius Cause Papers. Middlx.
King's Bench.	1824	6	6	16	3	24	13	198	150
	1825	13	22	20	4	26	10	228	263
	1826	4	11	16	1	16	9	139	160
	1827	1	10	41	1	22	9	311	110
	1828	5	44	48	1	23	16	260	129
Common Pleas.	1824	.....	None.	None.	.....	5	.....	2	.....
	1825	.....	.....	.....	.....	9	.....	8	1
	1826	.....	.....	.....	.....	7	.....	13	2
	1827	.....	.....	.....	.....	8	.....	11	1
	1828	.....	.....	26	.....	7	.....	63	46
Exchequer.	There is no return of Arrears in this Court; but they are believed to be very small.								

The King's Bench is evidently the only court in which the arrear of business is of any considerable amount: and here, though far indeed inferior to that in the Court of Chancery, an arrear exists which operates as a delay to suitors, and which has sustained an increase in the course of five years, proving it to be a growing inconvenience seriously calling for a remedy. Still we believe we state the full extent of this grievance when we say, that in the two principal departments of term-business, viz., the disposing of rules for new trials, and deciding on special cases, verdicts, and demurrers, a special case or verdict will almost always be argued and decided within a year from its entry for argument; and a rule for a new trial will, in general, be disposed of in half or three-quarters of a year from the time when the rule *nisi* is obtained. Looking to the above table, it will appear that the arrear in November 1828, in the former description of business ('civil paper'), was seven times as great as in November 1824; while the arrear in the new trial paper had increased in the same period by exactly two-thirds. With respect to causes at Nisi Prius in London and Middlesex, the arrear in 1828, as compared with that of 1824, had not materially increased—though, we believe, a great increase had taken place in the causes entered; but the positive amount of arrear is considerable, especially considering the great industry and despatch with which this business is disposed of by the learned judge. The arrear of one hundred and nine causes in the Common Pleas, which has grown up entirely since 1824, (notwithstanding the vigorous exertions of the late chief justice—the account does not reach the appointment of his

his distinguished successor—) shows the considerable augmentation of business which has taken place in that court.

Such being the mass of business before the superior courts, and the unequal degree in which it is distributed, the commissioners have naturally directed their close attention to ascertain the causes of this great disproportion, with a view, if possible, to render the three courts all equally effective. If the inequality were attributable, as is often asserted, solely to the inferior confidence placed by the public in the judges and advocates of the other courts, as compared with those of the King's Bench, we believe a remedy would not be very easy of attainment. A great disparity, in talents and capacity for business, always has existed, and must ever exist, both at the bar and on the bench. When the four seats in the King's Bench have been filled (as they ought to be) by the ablest men in Westminster Hall, a somewhat less rigid strictness, as to ability and qualification, must of *necessity* be exercised in filling up the other courts. At the same time we entirely agree with these excellent observations of the commissioners,—that the efficiency of all arrangements for improving the courts—

'must entirely depend upon the judicial character of the persons who from time to time shall be appointed to fill the benches of the different courts; and that the benefit of a fortunate selection is never so sensibly felt, as when it relates to a court which, at the time, may happen to stand lowest in the public estimation, and consequently to have the smallest share of business. The nomination of a single individual, of great and acknowledged powers, might restore the equilibrium, while the appointment of another, less qualified, might so depress the falling scale, as to render the restoration of the balance hopeless for a great length of time.'—*Report*, p. 23.

The King's Bench, being the superior criminal court of the kingdom, and having a superintending jurisdiction over all others, must ever, independently of any superiority in its judges, retain a degree of estimation and confidence which will not only make it the favourite resort of suitors, but secure to it the most distinguished and efficient advocates; and we believe that such is the influence of reputation and name, and such the real advantage of having the assistance of the first lawyers in a cause, that this supreme court will, notwithstanding every attempt to equalize business, still be crowded by suitors, willing to endure the disadvantage of delay for the benefit of suing in the first court, before the most efficient judges, and of retaining, as advocates, the Scarletts, Campbells, Broughams, and Aldersons, of their day. Notwithstanding, however, that these causes will always tend to keep up an unequal pressure of business, we think the commissioners are quite right in ascribing that pressure, in part, to other causes, capable

capable of being removed or modified, and which now prevent the Courts of Common Pleas and Exchequer from competing for business on an equal footing with their rival court. Between several tribunals, all administering the same law on the same general plan and principles, a very slight motive indeed is sufficient to determine the choice of suitors in favour of one or the other. A Chancery barrister, instructed to prepare a bill either in the Exchequer or Chancery, will often avoid preparing it in the Exchequer, simply to escape the inconvenience of walking to Gray's Inn, where that court holds its sittings in vacation, whereas the Court of Chancery sits in the more convenient situation of Lincoln's Inn. The main causes which operate to render a proceeding in the Common Pleas less desirable than a suit in the King's Bench, are—first, the higher fees of office payable in the former court, and the circumstance of their being paid in a much earlier stage of the cause, thus depriving the suitor of the chance of not paying them at all (which he enjoys in the King's Bench), in case of the early compromise or discontinuance of the action. The rules of taxation of costs are also more fixed and definite in the King's Bench than in the Common Pleas. Then all the causes of the three populous and important counties palatine are almost entirely excluded from the Common Pleas, by the peculiar constitution of the palatine jurisdictions retained in those counties, which prevents the King's original writ from Chancery running into them; whereas all causes in the Common Pleas must, strictly speaking, be commenced by such writ.

The commissioners propose to remove all these obstacles to business flowing into the Common Pleas (which we believe to be of greater practical effect than any considerations respecting the judges and counsel) by placing all the courts on a perfect uniformity as to rules of practice and costs. This we conceive to be the main step wanting to increase the business of the court. Objections to the Common Pleas also certainly arise from the exclusive right of speech enjoyed by sergeants-at-law. For instance, a cause, originated in the Common Pleas, is tried on the circuit, where it is expedient, or perhaps necessary to employ King's counsel, or other advocates of the King's Bench. The consequence is, that if a new trial is to be moved for, or a case reserved at the assizes to be argued before the court where the cause originated, the suitor is compelled to discard his old counsel, and entrust the matter solely to a sergeant utterly ignorant of the suit. This is a serious hardship, which occasions a prejudice against the court; and a similar inconvenience is felt in the impossibility of the junior counsel in a cause being heard in an argument before the court in succession to the sergeant his leader,—the junior advocate being often

often more fully informed of the details of the suit, having given more time to the consideration of the law bearing upon it, and having had more communication on its subject with the attorney and the suitor. These we believe to be the only real objections to the peculiar monopoly enjoyed by sergeants in the Common Pleas. The commissioners therefore judiciously recommend that ancient, respectable, and, in many points, useful rank, to be continued; but that, in order to obviate the above mischiefs, counsel (though not sergeants) engaged in any cause in the Common Pleas should be heard on arguments or motions concerning the cause, and that the absurd rule which now prevents a sergeant from acting as junior for the plaintiff, by 'opening the pleadings' (according to forensic phrase), should be abolished, whereby suitors will be enabled to employ sergeants as juniors in their own court, instead of being driven to import a junior barrister from the King's Bench, who is now compelled (in term time) to remain mute, and nearly useless to his client. When these obvious disadvantages attending the Common Pleas suitor shall be removed, we cannot doubt that the learning, urbanity, and distinction of the present Chief Justice of that court, and the ability of many of its advocates, will draw to it a large increase of business, to the partial relief of the King's Bench.

With regard to the Court of Exchequer, under its present constitution and condition, it would be marvellous if the *otium cum dignitate* of the barons were disturbed by litigants, beyond that gentle jogging which it receives sixty-eight days in the year, for two hours per day. It has no sergeants, no monopoly by any peculiar counsel; but a far worse monopoly, in favour of four attornies and sixteen clerks in court, alone destroys its utility as a court of law. While there are eight or nine thousand attornies in England, taking out certificates and practising, no suit can be commenced in the Exchequer, except by those twenty privileged individuals, who, when they act as agents in conducting exchequer suits for other practitioners, are entitled to half of the fees. It is not to be supposed that London solicitors, who can practise in their own persons and at their own profit in the other courts, should be desirous of practising by deputy, and with a moiety of profit, in the Exchequer; and the court would, in fact, be more deserted than it is, but for the business of country attornies, for whom the clerks in court happen to act as agents. The commissioners prescribe, as an obvious remedy for this condition of the Exchequer, the utter extinction of the monopoly of the clerks in court and four attornies; a measure for which government and the House of Commons have been repeatedly petitioned by the attornies in the metropolis, anxious to practise in the court. They also propose,

we

we think judiciously, to remove the equity jurisdiction now vested in the court, which, without rendering it an useful court of equity, in many ways interferes with its efficiency as a court of law. A strict division of legal labour has become quite indispensable, in the present complex and multifold condition of the law. To expect the ordinary run of judges to be at once competent common lawyers and efficient equity judges, is to expect the average rate of men to be Eldons and Kenyons.

The commissioners anticipate from these proposed improvements considerable efficacy in equalizing the business of the courts, and relieving the single court now overburdened. With a view, also, to this latter object, they recommend some alterations as to the arrangement of business, and the occupation of time in the King's Bench, which appear to us to be highly desirable. Though that court sits sixty-four* days in the year, at six hours per day, in term time, yet it does not sit all that time with four judges, owing to the absence of one judge in the morning for an hour or more in disposing of bail business, and of another after three in the afternoon at chambers, and four times each term at the sittings of Nisi Prius. The sittings of the complete court (when alone the tribunal is in full efficiency, matters of peculiar importance, or novelty, or difficulty, being frequently postponed unless the court is full) can only, therefore, be reckoned at forty-five days of six hours in the year. The commissioners propose to do away with all interruptions which break in on the sitting of the court in full strength for six hours per day. Nothing is a greater impediment to business than a minute parcelling out of the time of a court, which obliges it to leave matters half heard, to take proceedings out of their regular course, and abruptly to transfer attention from one subject to another. To effectuate this desirable end, as well as for other objects, the commissioners consider it indispensable that a judge should be added to the King's Bench and Common Pleas, if not to the Court of Exchequer: a change which may be reconciled

* That no person may run away with the idea that the duty of the judges consists simply in sitting sixty-four days in the year, it is as well to mention that the two circuits occupy, in addition, eleven weeks on an average; that the three judges of the King's Bench sit for term business, out of term, about forty-three days per annum; and that the Chief Justice's sittings for trying causes at Nisi Prius, in London and Middlesex, occupy about one hundred and twenty-six days; that three judges sit in the Court of Delegates, in Sergeants' Inn Hall, about ten days in the year; that three or four judges attend two days in the year, in Sergeants' Inn Hall, on tax cases; that two judges attend the Old Bailey, at the eight sessions, about thirty-six days per annum; and at the Admiralty Sessions about four or five days; that the winter Home Circuit, for trial of prisoners, occupies two judges about twenty-one days; that two judges are occupied about twenty days on private bills, referred to them from the Houses of Parliament for their advice. To which duties, must be added, not unfrequent attendances in the House of Lords, when summoned to give their opinion on law questions, and the occasional attendance of the three chiefs of the courts at his Majesty's Privy Council.

to

to the strict lovers of precedent, by the consideration that, from the time of Edward II. to that of Charles II., the judges in each court (according to Dugdale and Lord Coke) varied from three to seven and eight; and that it was only when the barons had arrived at the height of eight, that Edward II. commanded his lord treasurer, by writ of privy seal, to consider 'which of them might be spared;'—a formidable inquiry for a Court of Exchequer in any age to undergo. If the employments of the judges of this day were similar to those occupying them in Fortescue's time, (instead of being such as our preceding tables and statements evince,) we should find it difficult to persuade this economical and prosaic generation that a learned and contemplative existence (however venerable) ought to be compensated from the public purse:—

'You are to know further,' says Fortescue, 'that the judges of England do not sit in the king's courts above three hours in the day, that is, from eight in the morning till eleven; the courts are not open in the afternoon. The judges, when they have taken their refreshments, spend the rest of the day in the study of the laws, reading of the Holy Scriptures, and other innocent amusements at their pleasure—*it seems rather a life of contemplation than of much action.*'

To one court, and one only, can this interesting picture of judicial vacation now in any degree apply; though the commissioners cruelly hope to spoil it—and we believe, that the proposed fifth judge of the King's Bench and Common Pleas will find his afternoons far otherwise employed than in studying either divinity or law. The commissioners propose that he should be equal in rank to the other judges, and that, in turn, one judge should sit, to try nisi prius causes, and should dispose of bail business and matters determined in chambers; leaving the court with four judges to sit the whole day without interruption. We agree in the soundness of their recommendation, that not more than four judges should sit *at once*. This number is sufficient for all purposes of deliberation and adjudication; and, as Paley, who prefers it to any number, observes, with his usual sagacity, it has the advantage, that while 'it sufficiently consults the idea of separate responsibility, nothing can be decided but by a majority of three to one.' By the above arrangement, the commissioners propose to enable the King's Bench to sit in full sitting sixty-four days in term, at six hours; and they propose, by the transfer of certain matters to the Exchequer, (namely, all actions for penalties, and all cases from the Quarter Sessions for the Court's opinion,) and by allowing prisoners convicted of misdemeanors to be sentenced at the assizes, instead of being brought up needlessly to occupy the Court of King's Bench in London, to gain time equal to twenty-five additional days, making eighty-nine days of full sitting.

ting. Still, however, as it is proposed to abolish the sittings of the three puisne judges in vacation, which extend to forty-three days, a diminution of the days of term business will be occasioned by the proposed plan,—an evil for the counterbalancing of which the commissioners look solely to the effect of their other measures for equalizing the business of the Courts, and thus drawing off suits from the King's Bench.

Some difference of opinion may perhaps be entertained as to the policy, in the existing state of business, of abolishing a court (the three puisne judges out of term) which sits about forty-three days in the year, and despatches, with learned industry, a considerable portion of difficult business. The pressure of suits, which, eight or nine years ago, occasioned the institution of these sittings, has certainly augmented since; and if the experiment has not given satisfaction to the suitors and the profession, the failure has not arisen from any want of exertion or acuteness, or learning in the judges, who have zealously laboured in the court from its first sittings. But when we consider that the business disposed of is often of the most important, as well as difficult, character, (sometimes embracing decisions on cases from the Court of Chancery for the opinion of the King's Bench, and proceedings before that court, as a court of error, reviewing judgments of the Common Pleas,) it may be well demanded, whether it is wise or fitting that such matters,—the determination of which not only concludes important rights, but establishes binding precedents,—should be left to the adjudication of the three junior judges, without the assistance or presence of the chief justice. A decision of the full Court of King's Bench, after argument, is, in most cases, conclusive of the law on the point which it affects; and lawyers, without hesitation, advise their clients, on the faith of it, to take steps of the highest consequence to their property and rights. Can they feel equally sure in ascribing the same authoritative character to a decision of this new tribunal? or will the court, and other courts, in after times, feel equally bound to adhere to their determinations? The place of sitting, (a bye court, appropriated to justifying bail,) and the almost total absence of the bar, or of any audience, by no means add to the authority or dignity of the tribunal. It is impossible to overrate the advantageous influence of publicity. It is a check upon judges, a security to suitors, and a strong stimulus to advocates. The court we are speaking of wants this, which Paley considers so essential:—'A fourth requisite in the constitution of a court of justice, and equivalent to many checks upon the discretion of judges, is, that the proceedings be carried on *apertis foribus*, not only before a promiscuous concourse of byestanders, but *in the audience of the whole profession of the law.*'

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From this outline of the commissioners' plan for accelerating the despatch of business, it is obvious that the opening of the Common Pleas and Exchequer to a larger proportion of causes is the main expedient on which they rely. Unless this end is accomplished by the changes proposed, we apprehend that the arrear in the Court of King's Bench will not be likely to sustain material reduction from the effect of the other propositions. Though the economy of time, and the increased sittings of the full court for six hours per day, will undoubtedly have considerable effect, it may be doubted whether more will be thus gained than must be lost by the subtraction of the labours of the court of three judges. It remains, therefore, to be seen whether the removal of those obstacles which apparently impede suits from flowing into the Common Pleas and Exchequer, together with that strict regard to professional efficiency in the judges appointed in those courts, which the commissioners recommend, and the public earnestly call for, will not, in a short period, render those courts the crowded resort of suitors.

Another highly important and useful part of the Report relates to the simplification of the 'process,' or modes of commencing proceedings in the courts. No part of our judicial system is so perplexed by technical distinctions, and arbitrary and intricate forms, as the system of 'practice' of the common-law courts—what the French call the *code de procédure*. As this branch of the suit is entirely preliminary to the real merits of the contest, its difficulties are in no degree to be ascribed to those causes which occasion complexity in the essential questions in litigation. The commissioners, with a searching scrutiny, have laid open the principal sources of this gratuitous complication—glancing generally at the obscure and antique origin of the several parts of the system; showing how, in some cases, the principle of the proceeding has now wholly ceased to exist, while the form remains; how, in others, the attempt to remedy one evil has let in another; how circuitous fictions have been often preferred to direct and intelligible forms, and difficulties have been staved off by expensive and empirical inventions, rather than met by rational and systematic remedies. The substitutes which they propose for what they would abolish appear to us, in most instances, at once ingenious and simple, likely to be productive of increased celerity, cheapness, and intelligibility in proceedings, without sacrificing important objects to these essential changes. First, among legal embarrassments, is the *embarras du choix*, occasioned by the variety of proceedings open to the suitor. A man instructing his attorney to issue process against his adversary, must first undergo a catechism of some length, ere his lawyer can decide what peculiar weapon, from the arsenal of the courts, is suited to his purpose. Is the defendant an attorney? —he

—he must be sued by 'bill' *in his own court*, and not by writ, for a reason of somewhat more value in the days of Edward I. than in the nineteenth century, viz. because attornies are always personally present in court (now only *fictione juris*). Is the plaintiff an attorney?—he is privileged to reject the vulgar remedies of *capias* and *latitat*, and to sue all 'lay-gents' by 'attachment of privilege.' Is the defendant a peer or member of parliament?—the 12th and 13th William III. provides a special remedy against him by 'bill,' the reason being, that, as he is privileged from *actual* arrest, *ergo*, the law cannot allow a *capias* even to be inclosed to him in a frank. While a corporation (*e. g.* the mayor and commonalty of London), not being very commodiously subject to be arrested and confined in the Compter, the law's tenderness forbids a *capias* even to be served on their town-clerk or solicitor.

The first process in a suit, it must be remembered, is intended solely to intimate to the defendant the commencement of the litigation. And yet, owing to the above technical distinctions, and others resting on not less edifying reasons, no less than sixteen modes of conveying this prefatory intimation are in every-day use in the three superior courts! Without noticing the distinction applicable to most of them, of being bailable (that is, operating to arrest the person), or serviceable (that is, merely delivered as a notice to the defendant), the King's Bench and Common Pleas have each their five modes of process, while the Exchequer enjoys six. It is much easier to trace the causes producing this diversified system, than to justify its utility, now that those causes have ceased. To explain them fully would, however, involve a discussion somewhat too technical for the majority of our readers. 'On the whole,' as the commissioners observe, 'it appears that the variety in the modes of process originated in the three following causes,—the desire to avoid the expense and inconvenience of the original writ; the contrivance on the part of the King's Bench to obtain a share of the business properly belonging to a rival court; and the privileges, allowed to attornies and officers, of suing and being sued in the court to which they were officially attached.'

Whatever may once have been the value of the contrivances thus originating these various modes of suit, the system is now greatly inconvenient in various respects. It occasions confusion and mistakes in practice, which can only be set right by some delay and expense; its complexity makes the proceedings unintelligible to the suitor, and admirably adapted to the schemes of pettifogging practitioners. It overloads the student and the advocate (sufficiently tasked by the difficulties of the essential branches of law) with a mass of barren rules, and fictions, and distinctions, which form the most irksome, but one of the most indispensable,

of all legal studies. This part of the legal system might well appal even such a student as Spelman. 'Emisit me mater Londinum juris nostri capessendi gratiâ, cujus cum vestibulum salutassem, reperissemque linguam peregrinam, dialectum barbaram, methodum inconcinnam, molem non ingentem solum sed perpetuis humeris sustinendam, excidit mihi, fateor, animus.'

The expense of proceeding by these different modes is not less various than the proceedings themselves. Why, when the cost of issuing a *latitat* (not bailable) is only 1*l.* 5*s.* 8*d.*, should another proceeding (that by original) cost in one form 3*l.* 14*s.*, and in another 5*l.* 4*s.* 11*d.*? If, indeed, these several modes possessed in all cases equal efficacy, the cheapest would naturally be preferred, and the expensive mode abandoned; but, unfortunately, a plaintiff is often unavoidably driven to the expensive course: as, for instance, if one of several defendants is abroad, or not to be found, no steps can be taken effectively, except by an expensive 'original writ;' and the same course must also be taken, if the plaintiff seeks to abridge the litigation by driving the defendant, in case of a writ of error, to go at once to the House of Lords, instead of a previous proceeding in error before the Exchequer Chamber.*

The commissioners, on irresistible grounds, propose, therefore, to abolish the present forms, and that—

'as the object of all these writs is either simply to enforce the defendant's appearance, or to enforce it in such a manner as to obtain security, at the same time, for ultimate execution on his person, in satisfaction of the debt (that is, bail), so the primary forms of process should be reduced to two, viz. *summons* and *capias*—the first to be used where the plaintiff intends merely to compel appearance; the latter, where (being entitled to proceed by way of arrest) he has it in view also to secure the defendant's person.'

The forms of these writs, given in the supplement to the Report, page 132, have the advantage of being simple and intelligible—each telling its own tale, without unnecessary technicality. The summons is strictly a summons, directed to the defendant himself (instead of the sheriff), commanding him to appear within the eight days allowed by law after the service of the writ, and cause an appearance to be entered for him, in an action (stating the

* This inconvenience has been materially remedied by Mr. Peel's salutary act for repressing vexatious writs of error. That act, by requiring full bail to be given by defendants, in all cases, on bringing writs of error, has almost put a stop to the practice of bringing such writs for the mere object of delay. It appears, by the evidence of attornies before the commissioners, that, since the passing of this act, proceedings by original writ are comparatively rare, since the object of avoiding a sham writ of error is attained by the act. Mr. Parry, an eminent solicitor in extensive practice, says (p. 598)—'Mr. Peel's act has now almost entirely done away with the necessity of proceeding by original, as defendants never think of bringing writs of error for delay.'

nature

nature of it) at the suit of A. B. The capias, which, like the summons, is in its outline formed on the ancient writs, is equally clear in marking out the duty of the sheriff in its execution. Instead of being directed to the sheriff of the county where the defendant is supposed to reside, it is directed to *all* sheriffs in England and Wales, in order to obviate the inconvenience, at present existing, where the defendant moves into another county, after the issuing of a writ against him. In such case, a new writ into the second county is now necessary. This change appears to us not of much importance, but free from objection. Another alteration is, the insertion in all such writs of what is called the '*Non omittas*' clause. In various counties, the lords of certain franchises (such as the Honour of Pontefract, the County of Richmond, the Liberty of Staincliffe, in Yorkshire) still retain the privilege (the last remnants of an ancient jurisdiction to hold pleas) of executing writs within their franchise,—a privilege little more than nominal, since the mere insertion in a writ (at a slight expense) of the words directing the sheriff 'not to omit' to take the defendant, by reason of the liberty, gets rid of the privilege, and authorizes the ordinary officer to execute the process. To avoid the delay and expense sometimes arising from the omission of these words, the commissioners insert the '*non omittas*' clause in every writ of capias. The inconvenience is not of very frequent occurrence, and we are not sure that (according to Mr. W. Tooke's suggestion, p. 543) it might not be as well to obviate it by a general legislative provision that the liberty shall be entered by the sheriff in execution of all writs.

Another most important alteration is proposed in the *returns* of writs,—that is, in the time mentioned in the writ at which the sheriff is to return to the court what he has done in execution of it. Under the present system, writs are only returnable on a day in term time, and original writs only on certain fixed return days, of which there are four in each other term, and five in that of Easter. Each term (of which there are four annually) lasts about three weeks, the vacations being of several weeks duration, and the long vacation, between Trinity and Michaelmas terms, sometimes extending to four months; during which no proceedings can be taken to expedite the suit. There can be no doubt as to the inconvenience of original writs being returnable only four days in a term,—seventeen days in a year,—and we see no objection whatever to the proposal that writs should be returnable *when executed*, and not before. But we have great doubts as to the further alteration, that writs should be returnable, and pleadings and proceedings carried on during *vacation* as well as in term. If plaintiffs really could recover their debts and rights earlier,

it might be well to revert to the good system, when, as Blackstone says, 'throughout all Christendom, the whole year was one continual term for hearing and deciding causes.' But without reverencing law vacations a jot the more because they were once solemn fasts or feasts of the church, or because Edward the Confessor piously and admirably enacted 'that from Advent to the octave of the Epiphany, from Septuagesima to the octave of Easter, from the Ascension to the octave of Pentecost, and from three in the afternoon of all Saturdays till Monday morning, the peace of God, and of holy church, should be kept throughout all the kingdom,' we have great doubts whether any substantial advantage would be gained by this change. Messrs. Thorpe and Gray, under-sheriffs of Yorkshire, make the following sensible observations on the proposition:—

'If you accelerate the return of the writ, and the period of pleading, you grant the means of rapidly accumulating expenses; and in case of a defence, which is often unavoidably resorted to in order to gain time, that is the only object attained, *unless you increase the number of assizes;* as when the cause is at issue, it must, of necessity, remain in *statu quo* until the circuit, when it may be disposed of; whereas, at present, unless the action happens to be commenced immediately on the eve of the term, a reasonable period is allowed the defendant previously to the return of the writ, to collect his property, and to come to either a settlement or an arrangement with his creditor.'—p. 515.

We admit that, in some cases, where the defendant has no defence, and is able to pay, he would, in case the writ were returnable immediately, at once pay the demand, instead of availing himself of the delay now afforded by the distant return of the writ. But, on the other hand, in the numerous cases where there is really a defence, or where, at least, the defendant sets up one, what would be the advantage of hurrying on the cause to issue, when no sittings or assizes are at hand to dispose of it? What would be gained by declaring and pleading through the long vacation, to the inconvenience of all professional practisers, in order to make causes ripe for trial in September or October, when no judges are in London, and when there would still be little chance of trial before the December sittings? The continuance of pleadings during the vacation must also be productive of the greatest inconvenience, unless provision is made for judges being at all times in London to hear the applications and motions of various sorts arising in the current proceedings in a suit; and yet, how is this to be accomplished when all the judges are absent on the circuit, or when they are, in the few days of Christmas vacation, and in the few weeks in the autumn, indulging in that short recreation and repose

pose* which the labours of ten or eleven months render a matter of strict necessity? Judges cannot, like Dandin, hear processes morning, noon, and night, for twelve months in the year, without incurring the result which happened to that eminent magistrate—

'Mais où dormirez-vous mon père?

Dandin—*A l'audience.*

The above are some of the principal changes proposed by the commissioners in the first process in suits, as far as the object of process is the simple intimation to the defendant of the suit. This, the reader will remember, is the sole object of all process, where the defendant is not arrested. But where the plaintiff makes the necessary affidavit that a debt of 20*l.* is due, he is entitled to proceed by a writ, causing the defendant's person to be taken, and kept till he gives security for his appearance to answer to the suit. The mode of obtaining this security of bail is one of the most complex and artificial proceedings in the course of a cause. The commissioners decline entering on the question, whether arrest for debt should or should not be allowed. At all events, as long as such is the law, it is desirable that the mode of obtaining the security of bail should be rendered at once as cheap and simple, as efficacious for plaintiffs, and as little burdensome to defendants, as the case will admit. The present proceeding is shortly—we cannot say simply—this. When the above-mentioned affidavit is sworn, the writ commanding the arrest is directed to the sheriff, the responsible officer charged with securing the defendant's appearance. The sheriff, having taken the defendant, is compelled to discharge him, on a sufficient bail-bond, with two sureties, being offered; and is liable to an action and to penalties if he refuses such sufficient bail. These bail to the sheriff (called 'bail below') are not the bail responsible to the plaintiff for his debt, if recovered; the obligation of these bail below being merely that the defendant shall appear on the return of the writ, according to the practice of the court. Now, 'appearance in court' means, in this instance, the putting in and perfecting of bail to the action, that is, causing two substantial householders to be bound by recognizance to render the defendant to prison, if judgment goes against him, or to pay the debt and costs to the plaintiff. The sufficiency of these sureties is proved by swearing (if required) that they are worth double the debt, after their own liabilities are discharged, and by giving such a general account of their property as satisfies the judge before whom they are sworn. If these 'bail above' (as

* Sir James Scarlett truly says, 'I think that a laborious occupation without due intervals of repose or recreation, or variety of study, cannot long be a liberal occupation: or pursued by persons of liberal education: and that the tendency which has of late been observed to abridge the vacations, is very injurious to the liberal acquirements, and consequently to the estimation of the bar.'—*App. Report*, p. 231.

they

they are called) are not duly put in at the appointed time, or if, when excepted to, they do not establish their sufficiency, or put in other sureties competent to do so, the bond given to the sheriff on the arrest is of course forfeited, and the 'bail below' are liable to be sued upon it, either by the sheriff, or by the plaintiff in the action, to whom he may assign the bond. If the plaintiff choose to take an assignment of the bond (which he is not by law bound to do), his only remedy is against the bail, and the sheriff is at once discharged; but if (as is more common) he decline taking such assignment, the law (somewhat severely, but very salutarily in its practical effects) holds the sheriff, though compelled to accept the 'bail below,' responsible for bail not being duly put in; and the plaintiff, by a summary process, attaches the sheriff, and compels him to pay the whole debt and costs. The sheriff is then thrown for indemnity entirely on the bail given to him on the arrest, or on the security given to him by the arresting officer, in case such officer had taken insufficient bail.

A system more ingeniously complicated (we do not say gratuitously, because the object to be accomplished, when fully considered, will not be found to be so simple and easy as might be imagined) could hardly be devised. Its main evils are, 1st, the intricacy and nicety of the proceedings, which, as the commissioners observe, 'give rise to more contentions upon the method of proceeding, expose the practitioners to more petty miscarriages, and consume more of the time of the court, in proportion to the real importance of the points in dispute, than any other branch of the ordinary practice in a suit at law.' * 2nd. The disgraceful incidental practice of hiring what are called '*sham bail*,' who ply at Serjeants' Inn† to become sureties for defendants whom they never saw, in actions of which they never heard. As the bail first put in at the return of the writ are not bound to swear to competency, which only becomes requisite when they are excepted to, a defendant often resorts at first to these 'men of straw,' who, if excepted to, are replaced by other bail, prepared to justify on oath their sufficiency. 3d. The mode in which the justification of the *real* bail is conducted (being in open court, before a judge), while it is at once inconvenient and painful to the bail, and consequently augments the difficulty which an arrested defendant experiences in obtaining and keeping his liberty, is far from being efficacious in guaranteeing to the plaintiff an efficient security for his debt.

* Report, p. 103.

† "Or wait for customers between
The pillar's rows in Lincoln's Inn,
Where vouchers, forgers, *common bail*,
And affidavit men ne'er fail," &c.
Hudibras, p. 111. c. iii.

When

When the bail are not opposed by counsel, the security of their own oath is all that is obtained; and owing to the general inefficiency of opposition, it appears, that out of three hundred and eighty-one bail justifying in the King's Bench, only eighty-two were opposed by counsel, and that out of these eighty-two oppositions, only two were successful in causing the judge to reject the bail. Not being required *beforehand* to give any description of their property, or of their debts and engagements, or of their place of residence for any length of time, no previous inquiries can be made as to their character and circumstances. 4th. Evils also arise from the unnecessary option given to the plaintiff of taking an assignment of the bond, and suing the bail, or of proceeding against the sheriff. As the sheriff is almost always a substantial person, the additional power of suing the sheriff's bail is seldom resorted to but for multiplying costs for the attorney, who may, and sometimes does, sue three separate actions on the bond against the bail and the defendant. 5th. Another striking inconvenience is, that, in actions commenced by arrest, the putting in sufficient bail is by law deemed the '*appearance*' to the action. Consequently, till bail are thus completed, the defendant is not *in court*, the suit is stopped, and the plaintiff precluded from proceeding to a trial; while the sheriff is liable to the great hardship of being attached at once for the debt and costs, though no judge or jury have ever been satisfied that a penny of debt is actually due.

The commissioners propose to remedy most of these manifold evils by, what appears to us, a rational and well digested arrangement. They abolish the double set of bail (bail to the sheriff and bail above), and incorporate into one bond the effect of the security given by each. The bail to the sheriff (instead of the present bond conditioned for the defendant's 'appearance') are to give a bond conditioned to indemnify the sheriff from all expenses that he may incur by reason of the defendant not perfecting bail in due course, and also to pay to the plaintiff the sum to be recovered by him, with costs, or to render the defendant to prison. Another great improvement (at once crushing the trade of the sham bailmen in Serjeants' Inn, and giving a more effective and speedy security to the plaintiff for the sufficiency of the bail) consists in requiring the bail first given to make affidavit within eight days, that they are householders or freeholders, and possess property to the amount of the debt; the affidavit describing the property, and setting forth their engagements and liabilities, and places of residence for the last three months. In addition to the advantages to the suitor, this arrangement will benefit the public, by reducing the number of justifications

of

of bail, and thereby saving a valuable portion of the public time, amounting to nearly one whole day in each term, besides above an hour on every other day. Plaintiffs are now driven to oppose the bail—since they cannot otherwise obtain even the security of their oath of competency; but when this security is given, in the first instance, and with the additional and useful particulars now to be required, oppositions will not only become less frequent, but be far more efficacious when resorted to. If the bail are duly put in and perfected, the bond, given originally on the arrest, will then become a security to the plaintiff for such debt and costs as he shall recover, or for the defendant being rendered to prison. If the bail are not duly completed, the sheriff will be still liable to a proceeding by attachment; but instead of being so at once, and to the amount of the whole sum sworn to, the attachment will be, as in fairness it ought to be, suspended till the verdict of a jury, and the sheriff will then only be liable for the sum recovered, with costs.

Such are the principal and highly important changes proposed in the practical working of that much disputed law, which authorises a creditor to secure his debt by detaining his debtor's person. The commissioners have attentively considered, not only the practical details, but the expediency of the general principles of the system on which bail is now obtained in a suit; and, after much deliberation, they arrive at the conclusion, that no better plan could, on the whole, be adopted, than the existing one, which imposes the responsibility of causing adequate bail to be put in on the sheriff, whose officer once has taken the defendant. In carrying into practice a law allowing of arrest for debt, two objects are, of course, mainly to be attended to—1st, The giving to the plaintiff such efficient securities as shall be equivalent to the detention of the defendant's person. 2d. The allowing to defendants all such indulgence and accommodation as are consistent with the plaintiff's safety. That the present system, in fixing upon so ostensible and competent a person as the sheriff the absolute obligation of having the arrested defendant personally forthcoming, or good bail answerable for his debt, sufficiently protects plaintiffs, no one can doubt. If a defendant is once arrested, a plaintiff must, in general, grossly mismanage his proceedings, if he loses the security either of his person, or of adequate bail, or of the sheriff's liability. The other object is pretty generally secured in practice, provided the defendant is in condition to make remuneration for all the indulgence he seeks. Any bail named are taken without inquiry, or the attorney's undertaking for his appearance, or the defendant's simple word is accepted by the officer, and the defendant is discharged,

discharged, if a gratuity is given adequate to the risk incurred by this departure from strict proceeding. That the defendant, in such bargains, deals with the officer in whose custody he is, at an immense disadvantage, is obvious. Extortion and exaction are, we fear, to a certain extent, evils incident to the system.

But the question is, if the law took defendants strictly under its protection, by rigorously repressing all bargains of this description, whether, in practical effect, the severity of the law of arrest would not be rather increased than diminished. We incline much to think it would. To an active merchant, engaged in large transactions, the liberation a few hours earlier than a compliance with strict forms would allow, may be well and even prudently purchased by a handsome gratuity to the officer. If such a bargain were absolutely prohibited, every defendant, under whatever circumstances, however ruinous delay might be to his affairs, must remain in custody till bail were procured, and inquiries made as to their condition and adequacy. The present mode (though, we admit, subject to abuse) accommodates itself to the peculiar circumstances of individual defendants; and we know not why the law should very anxiously interfere to prevent the rich defendant, or the man of urgent business, from purchasing at such price as he thinks worth while, (whether for pleasure or for advantage,) a speedier liberation than is consistent with the strict forms of legal proceeding. It is always to be borne in mind, that neither the plaintiff nor the sheriff are, in effect, prejudiced by such arrangements, the plaintiff having the sufficient security of the sheriff, and the sheriff being held harmless by the sureties given to him for the officer's discharge of his duty. The matter is wholly between the bailiff, and his sureties, and the defendant. In one respect, indeed, we think the present law requires alteration, as tending to place a defendant most improperly and more than is at all necessary in the power of the officer. The fees payable on arrest are, strange to say, not fixed by any statutory or effective regulation. The commissioners, therefore, judiciously recommend the fixing such fees, and propose a scale to be paid by defendants to the sheriff on being discharged on bail. When a defendant seeks indulgence and relaxation of law, he asks that which throws a risk on the officer, and it is fit he should remunerate him reasonably for the risk. But when he desires nothing beyond his strict rights, it is not to be tolerated that a bailiff should have it in his power to sell them to him exorbitantly, *because* the law has negligently omitted to determine the precise payment which the officer is entitled to demand.

The terms of his Majesty's commission empower the gentlemen whose labours we are considering to inquire into the proceedings of

of the 'superior courts of common law in England and Wales;' a description embracing the courts at Westminster, the courts of the counties-palatine of Lancaster, Durham, and Chester, and the Courts of Great Session of the principality of Wales. The county-palatine courts are only cursorily noticed in this Report, (though the Appendix contains some valuable evidence as to the merits and defects of their procedure,) the subject of the principal of these courts, that of Lancaster, being now under the investigation of a separate commission, under the seal of the duchy, composed of Sir James Scarlett, Master Eden, and Mr. Starkie.* But the commissioners enter very fully into the important subject of the judicature of Wales, which has occupied the attention of three parliamentary committees in 1817, 1820, and 1821; and the report and evidence relating to which now fill above one hundred and eighty pages of the bulky volume before us. Most readers, however unversed in professional matters, may have heard that Mr. Burke nicknamed the Welsh judges 'the yellow admirals of the law,' and may know that, while the English judge is selected from the very highest ranks of the profession, receives 5500*l.* per annum, is unable to sit in parliament, and is exclusively devoted to judicial duties, the Welsh judge is a practising or retired barrister, not of the first eminence, receiving about 1150*l.* per annum, able to sit in the House of Commons, and, except during the circuits, in general pursuing his practice as an advocate. This distinction between the judges of the two countries is attended by a wide difference between the two systems of judicature. Unlike the English counties, which, even the most remote, are within the jurisdiction of the four courts sitting at Westminster, wherein all proceedings, whether from Northumberland or Middlesex, have alike their origin, the principality enjoys its own local judicature, for the most part independent of the courts in London, with its own great seal, its judicial seals, its prothonotaries, cursitors, and other officers—in short, all the technical machinery of local courts, from which writs issue, and in which actions are commenced and decided, without any recourse to the *officina justitiæ* at Westminster.

The Welsh are indebted for this system (whether a privilege or an inconvenience) to a parliament of Henry VIII., who passed the Welsh Judicature Act, (34 and 35 Henry VIII., chap. 26,) establishing the Courts of Great Session as they now exist, and dividing the principality into the four existing circuits, which have never been changed. The Welsh judges during the circuit may, without much inaccuracy, be said to unite the functions of the English judges sitting at Westminster *in banco*, with those of the English

* This able commission is, we believe, now preparing a report.

judges

judges sitting at the assizes under the commissions of Nisi Prius and of Oyer and Terminer. The whole proceedings take place before the two judges sitting *in banco*, who try all causes and prisoners conjointly. The Court of Great Session is, in its constitution, independent of the courts in London, except that its proceedings are reviewable by the King's Bench as a court of error, and in some practical matters the English court assists the infirmity of the Welsh jurisdiction. As the jurisdiction and principles of the Court were, by the act, established with reference to the model of the King's Bench and Common Pleas, the principal rules of practice are, as far as they can be applied, corresponding with those of the English courts. The striking feature in the constitution of the Welsh Court is its ephemeral duration. While the engines of law are in full operation in England for ten or eleven months, the legal year in the Principality may be said to be confined to six and thirty days—viz., eighteen days in the spring and eighteen in the summer circuit; during which time (speaking generally) all crimes are to be proved and punished—all civil injuries to be redressed—all debts to be recovered—all trials by jury to take place—all legal questions to be argued and decided—all motions to be disposed of—and all equitable claims and suits to be determined. The Welsh suitor may, indeed, say to the justice, twice a-year, 'jam captum teneo,' but he must sigh 'jam volucrem sequor' during the remaining fifty weeks.

The statute provides that the judges shall remain six days in each assize town—a period seeming, at first sight, far more than sufficient for trying the two or three prisoners and half dozen causes of such places as Dolgelly and Bangor,—and which, according to the rate and mode of proceeding of the English circuits, would probably occupy six or eight hours.* But the total difference in the nature of the proceedings prevents all comparison between an English assize and the sitting of a Welsh Court of Session. The English cause, it is to be remembered, is sent down by the mail from London, *tota et teres*, to be laid immediately before judge and jury. Weeks, nay months, have been spent in completing the issue in London—attornies, agents, special pleaders, junior counsel, law stationers, puisne judges, judges' clerks, have contributed their respective exertions towards maturing the issue, which is to be sent down and tried by a jury of the county in which the plaintiff has laid his venue. On the other hand, the Welsh cause is commenced, con-

* On the Oxford circuit, it is reckoned, about seven causes per day are tried in the Nisi Prius court—on the Northern circuit, about fourteen. The difference depends principally on the quality of the causes.

tinued

tinued through all its pleadings and stages of proceeding, and tried and determined, *uno flatu*, at the assize town in the assize week. The plaintiff, for instance, big with litigious choler against his neighbour, whose sheep have browsed the heather of his mountain, instructs his attorney on the spot, a fortnight before the assizes, to avenge his proprietary rights by a *capias quare clausum fregit*, which is duly served on the defendant before the Great Session. On Monday, the first day of the session, Counsellor Griffiths is retained, and kept up till two in the morning drawing the plaintiff's declaration; while Counsellor Jones, just arrived from London, is roused from bed at four to prepare the plea for the defendant — a replication follows with equal deliberation. On Wednesday at two o'clock the pleadings are ripe, the parties are what is called 'at issue,' and notice of trial is given. Wednesday night is spent by the attornies in drawing their briefs, under inspiring libations of *cwrw*. Being copied with extra expedition by the law-stationers, on Thursday evening they are duly delivered to the doughty leaders on each side, and to their comatose juniors—consultation marked for 'Friday morning, at six o'clock, before the sitting of the court;' while, in the meantime, the attorneys' clerks have been scouring the country to collect the witnesses. On Friday, after convicting a prisoner of burglary, passing three fines, hearing a motion for a new trial, making ten rules absolute on affidavit of service, and deciding an equity suit that has been pending above a fortnight, the court of Great Session tries the important and only cause respecting the common of pasture. The witnesses being many, and Welsh, and prejudiced, the interpretation of their testimony occupies great part of the day. The senior judge, after committing a Welshman for prevaricating in Welsh, charges the Welsh jury in an eloquent English summing up, with all the law and the elegance of Mansfield. The jury, under the influence of this address, transmitted through an interpreter, return a verdict for the plaintiff, damages five shillings, which damages are expended in *cwrw dha*, and the costs are taxed, if not paid, and the victorious plaintiff returned to his mountain side by the end of the twentieth day from his first visit to his attorney. This is hardly an exaggerated representation of that celerity which marks the proceedings of the local judicature of Wales, which the Welsh appear to deem an advantage, and which, though it would be intolerable (if possible) where business is on a large and difficult scale, appears, from the evidence of most persons practically acquainted with the Welsh courts, to be attended with no evil in Wales beyond a little stimulus and excitement to the counsel and attornies engaged.

In

In addition to the common law jurisdiction, the Great Session is now in clear possession of an equitable jurisdiction, analogous to that of the Lord Chancellor; and we cannot forbear citing the sound reasons assigned for establishing such a jurisdiction in the four border counties, which, even in the present day, are well worthy of legislative attention, viz.:—'And forasmuch as the counties and shires of Brecknock, Radnor, Montgomery, and Denbigh be *far distant from the city of London, where the laws of England be commonly used, ministered, examined, and executed, and for that the inhabitants of the said shires be not of substance, power, and ability to travel out of their counties to seek the administration of justice, &c.*'*

Such is the outline of the judicature established by Henry VIII. on the basis of the reports of the commissioners making their inquiries *on the spot*, which has been well said to 'contain a most complete code of regulations for the administration of justice, framed with such precision and accuracy, that no one clause of it hath ever yet occasioned a doubt or required an explanation.'† Godwin also, in his life of Henry VIII., and both Lord Coke and Lord Bacon, have expressed their approbation of it. These *veterum testimonia* can, however, avail little in favour of the system, if, on the evidence of those now competent to speak on its actual operation, it appear to be mischievous or inconvenient. It is, however, by the facts and opinions stated by such persons, to be found in abundance in the parliamentary reports and the Appendix to the Commissioners' Report, that the system must be tried, and not by the exaggerations and overstatements of those who, from party feeling or personal motives, have declared themselves its implacable adversaries. Foremost among these is Lord Cawdor.

This nobleman's pamphlet is a clever but highly coloured and by no means accurate statement of all the objections which its sworn enemies can put forth against the jurisdiction. Less vivacious rhetoric, and more candour and impartiality, would have added considerably to the weight of his Lordship's observations. No reader, who bears in mind that Lord Cawdor was the originator of the Committees of 1820 and 1821, and observes the tone and spirit of the questions put to the witnesses from the chair, can fail to discern that his Lordship is the prejudiced and uncompromising antagonist of the Court of Great Sessions; that he has a case to make out for its annihilation; and that his statements must be taken with those large allowances always made from the work of a man pledged to one view of a subject,

* Stat. 27 Hen. VIII. c. 9. † Barrington, p. 514.

not

not very perfectly acquainted with it, and anxious for the success of a darling scheme of reform on which he has staked his fame.

Lord Cawdor endeavours to array the high authority of Mr. Burke against the judicature. That Mr. Burke, in the well-known plan (brought forward in his speech on economical reform) for uniting to the crown the principality of Wales and the duchies and counties-palatine, proposed to make some changes in the Welsh judgeships and Welsh circuits is certain; but it is equally clear, from the very little he says on this subject in his speech,—on which he candidly avows (would that all unprofessional statesmen were equally modest in dealing with professional topics!) 'he cannot pretend to speak with clearness and decision'—that his notions of the judicial part of his reform by no means went to the abolition of the judicature. Not a hint of the kind is given in his speech. His plan was obviously limited to the reduction of the number of judges, and a consolidation of the counties into districts. Mr. Burke's authority, therefore, (even if it were worth much on a professional question with which he was not familiar,) is not to be cited as favourable to the sweeping abolition of the local judicature. Throughout this statesmanlike and witty speech, as far as it relates to Wales, Mr. Burke was advocating reform in matters with which he was well acquainted, abuses in the *fiscal administration* and collection of the revenue (or no revenue) of the principality. It was 'the *revenue* adventures of the bold Baron North and the good Knight Probert on the mountains of Venodotia,' which amused the House of Commons.

In Lord Cawdor's view nothing goes right in Wales owing to this horrible Court of Great Session. If Burke saw the gallows at the end of every vista of the French Revolution, Lord Cawdor descries a Welsh chief justice in every prospect in Cambria. When the court proceeds with celerity, their despatch is oppressive and ruinous; when they deliberate, his Lordship objects to their delays. The 'new issues' are tried with intolerable despatch, while the 'old issues' never terminate. The immense number of attornies, even the evils of the county courts, and a host of other Welsh grievances, are, in his Lordship's judgment, all to be ascribed to the judicature; which doubtless, Buonaparte-like,

> 'Makes the quartern loaf and Luddites rise,
> And fills the butcher's shops with large blue flies.'

The only things that, in this 'worthy thane's' eyes, appear more vicious than the system itself, are the truly judicious amendments made in it by the act 5 Geo. IV., in compliance with the suggestions of the committees. His Lordship criticizes

criticizes these amendments in a spirit which shows that a judicious and partial improvement is ever gall and wormwood to an abolitionist. Thus, in order to obviate one of the clamours against the system, Mr. Jones, the author of that useful act, inserted a clause, enabling the judges to order the money of suitors to be paid, for greater security, into the Bank of England in the name of the Accountant General of the Exchequer, instead of being left in the hands of the Welsh court. Lord Cawdor, driven to admit that Mr. Jones's alterations 'did in some small degree benefit the inhabitants of Wales,' says, 'in some instances, the benefit was more specious than real. Not one shilling has been paid into the Bank on this account since the passing of the act.' (p. 11.) His Lordship is incorrect in his statement, and uncandid in his inference. It appears from the evidence of Mr. Justice Kenrick, that sums *were* paid in on his circuit under the provision of the act—and why were not more so paid?—'*more would have been so directed to be paid had not the suitors expressed their wishes, and that it would be for their greater convenience and save their expense, to have the same paid as before into the Carnarvon Bank, where no fee is paid for paying it in or out.*' (Appendix E, p. 426.) This is at once a specimen of the fairness and accuracy of Lord Cawdor, and shows how highly possible it is, that a local arrangement for despatch of business on the spot may be more satisfactory than a more systematic mode of disposing of it at a vast distance, and with great expense to the parties.

Again, Lord Cawdor, speaking of the objection, (certainly very strong in theory, and now rightly and effectually removed,) that each court of session had no power of enforcing attendance of witnesses except in its own circuit, thus exaggerates the grievance:

'One can hardly conceive a case of any moment arising in which witnesses may not be out of the jurisdiction, when we recollect, how very limited its nature is; and this principle was carried to such an extent, that the Chief Justice of Chester had no power to summon a witness from Montgomery or Denbigh in any case relating to Chester or Flint, and *vice versa*.'—p. 30.

Now what says the practical knowledge of Mr. Francis Burton, a judge of this very Chester circuit near twenty-nine years?

'Have you any power or means of bringing a witness, residing out of your jurisdiction, before your court?—No—but *I never had the experiment to try.* Does it not absolutely defeat the ends of justice if the court has not that power in the neighbouring courts?—It may do so, but I *have never known any practical inconvenience arising from it.*'—p. 12.

And

And Lord Bulkeley, residing in Anglesey, and well acquainted with the court of Session, so far from knowing of inconvenience from this cause, actually never knew that such a want of authority existed!

In the same tone of prejudiced exaggeration Lord Cawdor makes a heavy assertion, which, if as well founded as it appears to be rash, would weigh strongly against the judicature.

'It frequently excites apprehension in the minds of persons, who would otherwise be tempted to invest capital in Wales, either in purchase of land or in commercial or mining speculations; they find that they are adventuring in an unknown country, with another state of law from that to which they have been accustomed, and are alarmed when they are told, that the legal adviser on whom they have placed their confidence for many years, and who may have conducted for them with success the most complicated transactions in every corner of England, must be abandoned, and another selected of whom they know nothing, if, in the course of their speculation, they are unfortunate enough to come within the grasp of that most formidable tribunal, the court of Great Sessions in Wales.'—p. 29.

Now what says Mr. Freshfield, of the house of Freshfield and Son, upon a point so peculiarly within the knowledge of an experienced solicitor in large practice?

'I have no hesitation in saying, that I should myself *prefer lending money on Welsh security* to lending on property in England, on account of the *greater facility of foreclosure.* Unless the judges gave some reason for granting indulgence it would be foreclosed the first session; whereas, in the Court of Chancery in England I should be a sanguine man if I were to expect a decree in less than four or six years.'

'Do you think it an advantage to a mortgagee, supposing his money is invested upon security of lands in Wales, that he has the option of bringing his ejectment either in the Court of Great Session or in the courts of Westminster Hall?—I do. *Q.* So that in fact he has an opportunity of bringing his ejectment *six times* in a year, whereas if it was on land in England he would have that opportunity only four times a year?—Just so.'—*Evid. Com.* 1817, p. 89.

Mr. Evan Foulkes, a solicitor, a member of the House, says indeed,

'that he has found a general disinclination to lend money on Welsh security among his own connexions; but I did not find it necessary to catechise them as to the reasons: *one reason* (and we think a very sufficient one) *might be the distance, and the intercourse with Wales not being so easy as with England.*'—p. 95.

But this gentleman, though pressed on the point, evidently never dreamt of the peculiar constitution of the Welsh courts being the ground of the very natural preference of money lenders for English rather than Welsh security. Such persons, we suspect,

pect, equally prefer a security in Surrey to one in Northumberland—a snug farm in Buckinghamshire to a sheep-walk of 15,000 acres in Cumberland, though justice is administered precisely on the same plan in all these counties.

From Lord Cawdor's lively misrepresentations and overstrained attacks, we beg to draw the attention of parliament and the public to the proceedings of the three parliamentary committees of 1817, 1820, and 1821, and the elaborate and industrious investigations of the commissioners. A mass of valuable evidence and suggestions is here collected, abundantly sufficient to conduct any intelligent and candid mind to a right conclusion. The committee of 1817, presided over by Mr. Ponsonby, (whose mind, at first prepossessed against the jurisdiction, came round, under the influence of the evidence, to a sense of its great advantages,*) reported that the 'establishment of Welsh judicature, notwithstanding some imperfections, had much to recommend it, *from the cheapness and expedition with which it administered justice to the inhabitants of the Principality.*' The death of Mr. Ponsonby unfortunately prevented a more detailed report. The committee of 1820 (of which Lord Cawdor was chairman) made no report; but that of 1821 reported that the principal points, distinguishing the Welsh judicature from that of England, consisted, first, in the condition of the judges; second, in the very limited nature of the judicature entrusted to them. Many of the main objections stated by the committee have, however, since been entirely remedied by Mr. Jones's act before referred to. The grievance of new trials being necessarily moved for before the same judges who tried the cause; the want of power to summon witnesses from any circuit, except that where the suit takes place; and the inconvenience that fines and recoveries could only be suffered twice a-year, are now effectually remedied by Mr. Jones's useful provisions. The committee concluded that, 'though some of the minor difficulties might, perhaps, be done away by new regulations, yet that others, most essential to the right administration of justice, could not, without such fundamental changes as would amount to the institution of a new jurisdiction.'—*Report*, 1821, page 7.

The present Report, with the mass of evidence published in its Appendix, certainly throws great additional light on the question. However judgments may be divided as to the abolition of the local judicature, which the commissioners recommend, but one opinion can be entertained as to the acuteness and exemplary diligence displayed, throughout the investigation of this as well as

* Speech of Mr. Wrottesley, a member of the committee in 1817.

the other topics of their Report. High, however, as the opinion of these gentlemen must rank on any professional question which they have investigated, it should be borne in mind that this part of their Report (unlike their recommendations as to the proceedings of the English courts, in which they have themselves long practised with reputation) is *formed entirely upon the evidence now printed*—that the commissioners had no local knowledge of the society or habits of the people of Wales—no experience of its courts, or the system of their proceedings—*no information beyond that which they have now printed, and that printed by the three Committees.* The authority, therefore, of this portion of their Report must mainly depend on its being a just and legitimate conclusion from the testimony upon which, and on which alone, it is founded. If the inference is not fairly warranted by the premises, the highest personal authority of the logician cannot give it soundness or currency. We read, with some surprise, the announcement of the principle on which the commissioners had proceeded, in considering the propriety of assimilating the Welsh judicature to that of England:—

'It does not appear to us to be necessary to enter into a minute comparison of any particular proceedings of the Courts of Great Sessions with those of the courts at Westminster, for the purpose of ascertaining the expediency of retaining the jurisdiction of the former. Unless the course of proceeding applicable to remote counties, such as Cornwall and Northumberland, should be less capable of application to the principality of Wales,—or *vice versa*—we can see no sound reason why a difference of system should continue to prevail.'—p. 86.

Now if the commissioners' office had been to discover and recommend a new system of judicature for England and Wales, none having before existed, this mode of reasoning would have been highly sound and satisfactory. It might then have been very fairly assumed, that a scheme determined upon as suitable for England should also be applied to Wales, unless some strong circumstances of distinction could be shown. But the commissioners appear to treat the matter as if they were now, in 1829, proceeding on a mere 'tabula rasa'—as if they were commissioned by Edward I. instead of George IV., 'oppida munire et ponere leges,' in a new conquest without a trace of a legal institution. They seem, from their own showing, to lose sight of the consideration properly due to the system of Wales, as an *existing* judicature established for three centuries, familiar to the people, adapted by long use to their habits and manners. In dealing with such an establishment, surely the *onus* lies on those who would show that it requires abolition; and ought not to be shifted, as these learned

learned commissioners (admiring naturally that system in which they are themselves eminent) seem to shift it, upon those who contend for its retention, in preference to a foreign scheme. It is somewhat novel in this country, that an existing institution should be served with a summary rule *to show good cause why it exists.* If we had time or space, it would be no difficult matter to point out essential differences in condition and habits between the people of Northumberland and Cornwall, and those of Wales, which render a provincial administration of justice near home less peculiarly necessary in the former case than in the latter. We could easily show the latter people to be poorer, and more contracted in all their traffic; and also that real evils do arise to our distant English counties, from going three hundred miles to Westminster for law proceedings. But waiving such a comparison, we think one difference is entitled to the highest consideration, and requires to be outweighed by irresistible evidence of the mischiefs of the Welsh judicature, such as we seek for in vain in the publication before us. *The Welsh have got, and have long enjoyed,* a provincial judicature. The Northumbrians have it not. Before the Welsh are driven to take their causes to a tribunal two hundred and fifty miles distant, a better reason should be shown, than that the Northumbrians and Cornishmen are subject to this hardship. It should be shown, first, that the system of Northumberland is a better one, and, moreover, better as adapted to Wales. And yet, how is this result to be arrived at without that 'minute comparison of particular proceedings of the Courts of Great Sessions with those of the courts at Westminster,' which the commissioners have deemed unnecessary? The whole question is essentially one of comparison and balance. If, on a detailed comparison, the system of England appeared not only more artificial and perfect in the abstract, but also likely to be more advantageous when transplanted into a different state of society, with opposite habits and condition—then some case would be made out for the experiment recommended. But it surely is no reason at all for abolishing the Welsh system, that Northumberland men receive justice under a different plan, which, for aught we know, they might gladly exchange for a local judicature, and which, at all events, Welshmen covet not.

The learned commissioners think the present more fitted than any former season for introducing the English system into Wales, because a review of the English proceedings is now taking place, and various schemes for reforming the English judicature are under consideration. 'The expediency of continuing the Welsh judicature now comes under review as a part only of a general inquiry into the best mode of proceeding for the administration

of law in civil cases throughout England and Wales, of which the effect *may be* to improve the judicial system of both countries.' (*Report*, p. 36.) Now, it seems to us that this very circumstance of the English judicature being now about to be subjected to various experimental alterations, the result of which is necessarily uncertain, of itself renders it desirable to postpone for a while the attempt to extend the system to Wales. If the amendments of the English administration of justice are found, after trial, to answer, it surely then would be the more convenient and safe time for extending to Wales the English system in its improved and perfected shape. If, on the other hand, their success should not answer the expectations of the commissioners or the public, surely it would be an advantage that England alone would be the district suffering under the serious and unavoidable evils attending further changes and amendments requiring amendment. Why should Wales, which is now in possession of a system evidently satisfactory to the mass of the people, possessed of many advantages not denied by its enemies, be drawn unnecessarily into the adventurous career of reform in which England (we do not say unwisely) is embarking? Why should the Welsh be deprived of present and positive advantages for the chance of sharing in possible and distant improvements? Surely it is fairer to kill and bag our game before we generously divide it with our neighbours.

In estimating the evidence before them (on which the commissioners had to decide as jurors), they appear to us to attach an undue degree of importance to the representations, and laconic notes, and vague resolutions of some assemblies of magistrates, some chairmen of quarter sessions, and one or two county members and sporting squires, which they 'consider as abundantly showing the prevailing wish of gentlemen resident in the different counties of Wales and Chester, that the benefit of the English judicature should be extended to those counties.' (p. 38.) Now admitting for one moment that the commissioners had before them satisfactory evidence of 'the prevailing wish of gentlemen resident' on the subject of the judicature, we would beg to observe, (without the slightest intention of disrespect to so valuable a body,) that on such a question they are certainly not the most informed and intelligent, nor do we think them the most concerned and interested parties. Information and knowledge on a subject depending entirely on technical details, is of course not to be got from country justices, or clergymen, or lords lieutenant—what accurate information can they possess of the comparative cheapness and expedition of the English and Welsh courts?—of the relative merits of the procedure by *concessit solvere* and by *capias*? Information on matters so essentially technical

nical can only be obtained from persons of professional knowledge and experience. Nor in truth, strange as it may appear, do we believe this class of persons to be those really the most interested in the question as to the change of judicature. It does not happen to a Lord Cawdor, or Lord Bute, or Sir Christopher Cole, or Colonel Wood to try an action at law once in a quarter of a century. When such a case occurs, the cause is generally of some importance, and, for the advantage of English counsel, and still more of an *English jury*, (the grand point of superiority which brings Welsh causes into England, and which no reformers can communicate to Wales,) would probably be tried at Shrewsbury or Hereford. The great mass of the causes at a Welsh assize are raised by tradesmen, small farmers, graziers, and others of the middling class for small debts and trifling causes of action, in which the advantages of having the tribunal near home, the attorney at hand, and the decision on cheap terms, are peculiarly felt, and form to the parties concerned a truly valuable privilege. To make part 'of the great judicial system of England,' which to rich proprietors and speculative noblemen may seem a desirable object of Welsh ambition, is to these humble suitors a matter of absolute indifference, and if only to be attained by an increase of law expenses, and the necessity of journeying further to the attorney or the assizes, would be a truly serious grievance. If you take from them the action of *concessit solvere* (of which a word presently), and oblige them to employ a London attorney to commence their petty suits in London, you may indeed flatter the notions of national consequence of some of the more elevated Welsh, but a very pernicious effect would be produced on the great mass of the middling and humbler classes of the population, who are mainly interested in having a cheap, an expeditious, and an accessible procedure for settling trifling disputes.

But, after all, what in truth is the evidence considered as 'abundantly showing the prevailing wish of gentlemen resident in the different counties of Wales and Chester,' that the existing judicature should be abolished? Is the opinion of the Welsh gentry (whatever might be its value) uniformly, or intelligibly, or definitely expressed? Of the twelve Welsh counties, three or four are absolutely silent! their 'prevailing wish' not rousing even a *cwrw*-inspired justice, or vacuous deputy-lieutenant, to reply to the commissioners' queries, though forwarded, with a request of answers, to every lord-lieutenant and magistrate in Wales. One county (Anglesea) declares itself professedly and earnestly hostile to any sweeping change in the judicature. The grand jury of another (Carnarvon) petitioned against abolition a few years ago. A gallant, and a fox-hunting county member are the sole

persons

persons intuitively answering for the wishes of two other counties; and a chairman of quarter-sessions for another transmits his answers, condemning the judicature, to the commission, crowned—as he states—with the '*after-dinner*' applause of twelve magistrates. Carmarthen, one of the most important counties, is torn and divided in opinion on this agitating question,—its lord-lieutenant, (Lord Dynevor,) and its chairman of sessions, and member for the county-town, strenuously desiring to retain the existing judicature; while eight 'proprietors,' proselytes of Lord Cawdor, transmit, *by his steward*, a different opinion. Another county, by twenty-three unknown 'inhabitants,' invites the commissioners to reform their '*jurisprudence*' (*qu.* the institutes of Hoel Dha?); while its neighbour (Merionethshire) piously resigns itself into the hands of the commissioners, waiting '*the instructions of the leading gentlemen of the law*,'—a sort of proxy which the commissioners doubtless considered to authorise them to vote according to their own opinions. Glamorgan is, in fact, the single county of Wales which has put forth any representation of weight, from the character and number of the individuals signing it, and unencountered by any expression of opposite sentiments from other individuals in the county,—a representation, however, expressing no reasons or views of those signing it—swearing by Lord Cawdor—and certainly not gaining much in authority by its avowed concurrence in the exaggerations and inaccuracies of his pamphlet. So much for the 'prevailing wish of the gentry of Wales' appearing on the communications sent to the commissioners, before the commissioners' specific plan was known, and when the question related generally to the expediency of imparting the English system to the principality.

But if such was the doubtful and divided evidence of the 'prevailing wish,' when the plan was only imperfectly apprehended, let us see how it has expressed itself since the subject has been fully laid open and understood, by the publication of the 'Commissioners' Report.' 'Since the invasion of King Edward, and the massacre of the bards, there never was such a tumult, and alarm, and uproar, through the region of Prestatyn!' to use Mr. Burke's words: 'Snowden has shaken to its base,—Cader Idris has been loosened from its foundations,—everything above ground, and everything under ground, has been in arms!' The Welsh journals have hardly contained the letters and paragraphs, and replies and rejoinders, from persons of all descriptions affected by the change, which have inundated them for the last two months. The tradesmen dread the ruin of their towns, from the loss of the assizes at eight Welsh capitals, and from the short stay of two days which the judges would make in those places which are still

still to have the privilege of an assize. The graziers, and drovers, and little shopkeepers, look with apprehension to the loss of their cheap and home remedy for recovering their debts; the gentlemen are displeased at the 'degradation' of eight counties, by losing an assize,—at the partition of other counties, in the Abbé Sieyes' fashion, for the '*arrondissement*' of the new assize districts,—at the increase of the county rates in building new court-houses for the judges, and transporting prisoners and witnesses twice and thrice the distance now required to the assize-town. Meetings have been convened in most counties, and some towns; and petitions to parliament, expressive of the alarm felt at so sweeping a change, and of the desire of the inhabitants to retain their existing judicature, with some amendments, have been carried by immense majorities in Pembrokeshire, (Lord Cawdor's county, where, spite of his acres and pamphlet, he was in a minority of only seven,) in Carmarthenshire, and the borough of Carmarthen, in Carnarvonshire, in Anglesea, in Radnorshire, and, without a dissentient voice, in Cardiganshire and Haverfordwest. When the subject comes, therefore, before Parliament, the wishes of the resident gentry of Wales will no longer appear to be opposed to the testimony of the lawyers in favour of the jurisdiction; and we confess we think it would require some boldness, not to say indiscretion, in the two houses to force upon the Welsh a system of law which they deprecate—equally against the wishes of the people, and the sound advice of the best informed judges of the matter.

But the commissioners appear not only to mistake the opinions of a few dogmatical squires and speculative iron-masters for the voice of the Welsh gentry at large, (an error which the recent meetings and petitions have now sufficiently dissipated,) but they seem to us also to estimate very much too lightly the explicit, and cogent, and informing body of testimony, almost invariably in favour of the jurisdiction, given by the many barristers and judges, both retired and in practice, who have been examined. After noticing the answers of the country gentlemen, the commissioners say,—'and though their representations are opposed by opinions entitled to respect, we cannot fail to observe that these opinions, for the most part, proceed from *professional persons*, who may be supposed to feel a *partiality for the system in which they are, or have been, personally engaged*; and that, even by these persons, the necessity of very extensive change is admitted and desired.'—p. 38.

Now, making to the utmost every allowance which can be demanded for partiality, and every other feeling which can influence lawyers in favour of the system in which they practise, or *have practised*, we still think that the body of testimony uniformly given by

by so many competent judges, with accurate knowledge and experience of the matter on which they speak—evidence, not merely, like that of the squires, of vague opinion—aye or no, as to the abolition of the judicature—but confirmed by careful reasonings, and founded on facts and details stated in their communications—irresistibly shows, that the vague clamour raised against the judicature is mainly founded in prejudice and ignorance; and that, with some exceptions, its operation in practice is salutary and useful, and deserving of being retained, though capable of partial amendments. To us, who (like the commissioners) have no peculiar knowledge of our own upon the subject, this body of explicit and informing testimony is conclusive against the expediency of a *total abolition* of the judicature. To lay aside such testimony because it differs from the laconic and sweeping condemnations of gallant officers and county members, seems to be building a judgment on the vociferations of confident ignorance, rather than the suggestions of matured information and experience. It really is somewhat hard to suppose that such men as Sir James Mansfield, Sir W. Grant, Sir W. Garrow, Mr. Justice Burton, Sergeant Manley, Mr. Taunton, Sergeant Russell (who concur in speaking of the Welsh system as, in the main, advantageous,) cannot give an opinion worthy of respect on the subject by reason of their 'partiality' for the system with which they had *once* been connected. When men of this stamp with one voice, after long acquaintance, pronounce the judicature cheaper, more expeditious, and more suited to the backward state of society, small traffic, and trifling litigations of Wales, than the English system, we confess we can hardly understand how such sound judges and thinking men as the commissioners could have thrown aside their testimony in deference to the peremptory 'yeses' and 'noes' of persons not to be named with them in point of competency to judge on this question, and who seldom give a reason or a fact in support of their dogmatical decisions. We cannot, of course, be expected to enter into a minute discussion of this volume of evidence, but on a few of its leading bearings we must say a few words. And first, as to the most essential point of the comparative expense of law proceedings in England and Wales.

Most of the legal witnesses (whether judges or barristers) familiar with the Welsh circuits, express an opinion (not indeed universal) that the Welsh proceedings are now considerably cheaper than those of England. With respect to the favourite action of *concessit solvere*, which is nowhere in general use except in Wales, and which unites a degree of cheapness and expedition in recovering debts of *any amount*, quite unknown in any

any English proceeding, there is and can be no difference of opinion as to its vastly superior economy, as well as its other advantages. No writ is, in this proceeding, issued against a defendant, but he is summoned by a common notice, served on him or left at his abode fifteen days before the sessions, to appear and answer the plaintiff's demand of a debt. If (as happens in perhaps nineteen cases in twenty) the debt is settled simply on the service of a notice, without further proceedings, the costs are *one guinea;* in North Wales, only fourteen shillings; while in England, in the cheapest form of proceeding, they amount, under similar circumstances, to between *two and three pounds.* If the defendant suffer judgment by default, the costs, including the execution, are, on the Carmarthen circuit, in the proceeding by *concessit*, 5*l.* 3*s.* 3*d.*; whereas in the Court of King's Bench, in one form of action (that of *debt*) they amount to 8*l.* 3*s.* 2*d.*; and, in the far most ordinary action, (that of *assumpsit,*) to 13*l.* 13*s.* 11*d.* With regard, therefore, to the action of *concessit solvere,* there can be no question but that it presents the most summary as well as economical form of recovering simple contract debts, of great or small amount, which is in operation in any court in Great Britain. Being peculiarly suited to the uncomplex money demands of a simple state of society, it is in such high favour with the Welsh, that out of 2121 actions commenced on the Carmarthen circuit in 1826 and 1827, not less than 804 were in this form—of 1290 commenced on the Brecon circuit in those years, 507 were by *concessit solvere.* Whether the action could be introduced in England, with all the advantages which attend it in Wales, we have great doubts; and whether the commissioners may be able to provide an equally advantageous substitute is problematical; but, looking to its frequency and its inexpensiveness, to its *actually existing* advantages, we think, if the Parliament do abolish the judicature, they are imperatively bound to make provision for an effective continuance of this proceeding, and that the Welsh might with just reason complain, if deprived of its undeniable benefits.

With regard to other modes of proceeding, the advantage of cheapness is not so decidedly in favour of the Welsh system; and in some respects, as several attornies state, the English proceedings are cheaper than those of the Great Sessions. The bills of costs published by the commissioners are, however, taxed costs between party and party, that is, the costs which the successful party can compel the loser to pay—but, in order to institute a complete comparison, the extra costs charged by the attornies to their clients ought also to be shown. These costs, not being of a technical kind, are precisely those which

which vary most, according to local circumstances—and in costs of this description we suspect the excess would be found considerably against the English procedure. Admitting, however, for a moment, that the present Welsh system has not (with the exception of the *concessit solvere*) the recommendation of superior cheapness, (which we think it has in a slight and not unimportant degree,) it becomes a most serious consideration whether the commissioners' propositions of commencing all Welsh actions at Westminster, and trying them at only four assize towns for all Wales, must not materially augment the expenses of suitors. The commissioners say the expenses would be the same, 'with the single exception of postage;' but if postage would be an addition, the heavy expense of lawyers' correspondence must surely also be added. We imagine the attorney's charge for writing a letter, if not for reading one, is about as certain an expense as the postage for carrying it. The Welsh attorney must equally charge for his personal attendance and advice; and, in addition, must write to his agent in London, directing every step necessary to be taken, for which the agent must also be paid. It seems to us a fallacy, to say the expense would not be increased, because the attorney in the country and the London agent divide their charges so that only half charges are paid to each. This is true as to the costs of mere *technical* proceedings, the writs, orders, summonses, &c. in the suit; but it is quite obvious that the bill, in addition to all existing charges for conferences between attorney and client, must contain charges for correspondence, postage, and parcels, independently of journies to London, (now constantly made by English country attornies,) to superintend the cause, which would not be found in the bill for proceedings in the Welsh court. Any one who knows any thing of the intercourse between London agents and country attornies, is aware that it brings a score or two of voluminous letters every morning to every agency house of any considerable practice. An offer of compromise, a request for indulgence, a mistake in any process or formal proceeding—matters of perpetual occurrence—are all the causes of a letter to the country, and an answer. To suppose that these correspondences do not create much expense, to be borne by one side or the other, beyond what is incurred where the court sits on the spot, and proceedings take place by a resident attorney under the eyes of the suitor, is, we conceive, quite fallacious. We have little doubt that the proposed change must add at least 5*l.* or 10*l.* (from one-sixth to one-third) to the bill—33*l.* or 34*l.*—which is now paid for a common trial and judgment in Wales; and, in suits of a more difficult description, the increase would be proportionably greater.

But

But there is another feature in the plan proposed, which must strike every one as being an inevitable source of much increased expense to suitors, as well as to jurors, witnesses, and others concerned in the administration of justice. It is admitted, on all hands, that the Welsh procedure could not be assimilated to that of England, without a consolidation of the twelve Welsh counties into 'districts of assize;' so that, instead of every county having its assize, as at present, the assize should only be held at one place, for every two or three counties. The commissioners, in order to effect their proposal of tacking the twelve Welsh counties to two English circuits, have been driven to propose consolidating three counties together, and giving to Wales only four assize towns, viz. Neath and Carmarthen, for South Wales—and Dolgelly and Bangor, for North Wales. Now, looking at this plan simply with reference to the vital object of not entailing on the suitor and counties of Wales, by a scheme of improvement, an expense in obtaining justice beyond its present cost, we confess that the proposition appears to us pregnant with difficulty and objection. The counties already are on the alarm, as stated in a letter from a magistrate of North Wales now before us, and as abundantly appears from the proceedings of the several county meetings. Mr. Taunton, in his valuable communication to the commissioners, (the result of two-and-twenty years *former* experience in Wales,) speaking of this consolidation of counties, says—

'It will be a grievous burden to the parties in suits, to the jurors, to the witnesses, and to all those whose business obliges them to attend. At present, this obligation puts the poor freeholders, who are summoned on juries, to an expense which they can ill afford; but if they should have their journey prolonged into an adjoining county, the charge will be much greater. Each man must take his own horse, and keep it during the time, for there are no stage coaches or public carriages from one town to another, excepting on the great roads to Milford and Holyhead. The inevitable consequence of this will be to *increase greatly the expense of bringing causes to trial.* I cannot devise any arrangement that will obviate the inconveniences which I have pointed out. It should be borne in mind, *that Wales differs from England in all the circumstances which bear upon this system.*'—*Appendix, Com. Report*, p. 452.

Mr. Jonathan Raine, M.P., and chief justice of the North Wales circuit, Mr. Malkin, Mr. Whitcombe, Mr. Williams, and various other individuals of experience and intimacy with Welsh habits and manners, lay great stress on this objection.

We think it is no sort of answer to these objections to demonstrate (as the commissioners have done in a very ingenious table) that the distances which the Welsh suitors, jurors, attorneys, and witnesses

witnesses would be compelled to travel, on the proposed plan, do not exceed the distances which the inhabitants of English counties traverse, in resorting to English assizes. The reply is obvious. The means of communication—the coaches, the canals, the post-chaises, the admirable roads of England, render distances absolutely nothing, which, to mountaineers on team-horses, seem, and are, most inconvenient and expensive. Unless you could level Cader Idris and Carned Llewellyn by act of parliament, and import some score chaises and pairs of post-horses, and a few inns from the York or Bath roads, the mere comparison of miles and furlongs really weighs nothing in the question. The same observation applies to the other ingenious calculations, constructed to demonstrate that, on a comparison of the superficial extent and of the population of England and of Wales, the latter country is in proportion entitled to even less than the four assize towns which the commissioners propose to give it. To all such mathematical reasonings (which might apply very well in staking out prairies and erecting log cities in the wildernesses of Illinois and Ohio), without insisting on moral objections, there is an excellent physical answer.—The countries which you compare are *physically different*, and unless you are prepared to contend, that a mile over pathless mountain, because a mile, is as easy to travel as a mile over a macadamized flat, all comparisons of superficial extent are really of no value; besides being opposed to the principle of all our local divisions and institutions, every one of which would be overthrown by any regard to mere mathematical proportion.

But there is another peculiarity in the Welsh judicature, which, we believe, operates considerably in giving it a cheapness and despatch superior to those of the English system. The Welsh judges sit *in banco* jointly, whereas English causes are decided by a single judge, sitting separately at Nisi Prius, and forming one of a court of four judges, by whom his decision and direction to the jury may be reviewed, if either party desire it. From this difference in constitution, it becomes the duty, and it is the practice, of the *two* Welsh judges, to determine all questions of law *immediately as they arise*, after proper argument; whereas the English judge at Nisi Prius generally reserves them for determination by the court above, or decides according to his impression in a hasty trial, leaving either party to move to reverse his decision, before the court above. The consequence is, that the expense and delay arising from new trials, from applications to obtain them, and from special cases for the determination of the superior court, are far more frequent in England than in Wales; and every one knows that the costs of a new trial fall not far short of those of the original trial, while the expense of the determination of a special

special case amounts to nearly one-third of the whole costs of the action and trial. The tables published clearly show the greater frequency of these expensive addenda to a suit in England than in Wales. In the five years, 1823 to 1827, there were in the King's Bench 18,891 records for trial, out of which there were 245 rules absolute for new trials, and 186 special cases reserved for the determination of the court above—the new trials being thus 1 in 77 cases, and the special cases 1 in 101. Now what was the state of the case in Wales in the same five years? On the Carmarthen circuit, out of 507 records for trial, there were only 1 new trial and 7 special cases—that is, 1 special case in 72 causes, and 1 new trial out of 507. On the Brecon circuit, in the same five years, out of 209 records there was not a single new trial, and no special case, though there was one special verdict. In the whole of Wales there were 931 records for trial, and actually only 3 new trials, and 9 special cases or verdicts—that is, one special case in 103 causes, and one new trial in 310. Nor does the infrequency of new trials in Wales arise from any difficulty in obtaining a rule from the same judges who have just decided the cause; if this were the cause, there ought to have been a large number of applications under Mr. Jones's act, which has wisely given Welsh suitors the power of moving for a new trial before the superior courts; whereas the fact is directly otherwise—the number of motions under this act is marvellously small.

But if the case is as above, with respect to comparative cheapness, how does the comparison stand as to expedition? One main advantage, in this point of view, arises to the Welsh judicature, from the circumstance last mentioned, of the rarity of special cases and new trials, and the quicker despatch with which they are determined. The arguing and disposing of these proceedings in the courts at Westminster continually occasions from ten to fifteen or twenty months' delay in the final determination of a cause—an element of delay unknown in Wales. Again, the expedition of that proceeding of '*concessit solvere*' (which we have shown to include so vast a proportion of the whole causes of Wales) certainly as far exceeds the rapidity of any English proceeding as its cheapness surpasses that of English suits. Fifteen days before the Great Session, a notice may be given to a defendant to appear and answer the plaintiff's demand; and by the end of the session (that is, in twenty days from the first proceeding) judgment is recovered. The same despatch attends the important proceeding by 'ejectment' for the recovery of any description of real property. By commencing proceedings fifteen days before the Court of Sessions opens, the plaintiff can obtain judgment to recover his land at that sessions, unless delay is granted upon some

some extraordinary ground. In England, a plaintiff can in no case recover a verdict in this action in less than three or four, and in most cases, eight or ten months. It appears, in short, that as to actions commenced in the first or five last months of the year, the English and the Welsh courts are, generally speaking, on a par in point of celerity of judgment; but that, as to actions commenced in any of the other six months, viz. February, March, April, May, June, July, the judgment will be obtained from three to seven months earlier in the courts of Wales than is practicable in those of England. Indeed, so undeniable is the superior rapidity of the Welsh proceeding, that it is urged, by some, as amounting to an inconvenience; but, yet, we find from the testimony of almost every lawyer whose opinion is of value, that, practically, the inconvenience amounts to little more than a strong stimulus to exertion on the part of attorneys and barristers;—a stimulus, perhaps, not without advantage, considering that, according to Sir William Owen, Attorney-General on the Carmarthen circuit, 'indolence is the great fault of Wales, and pervades all its inhabitants from the peer down to the peasant.'

It is clear that this rapid procedure could only exist with convenience where causes are as simple in quality, and as few in number, as they are in Wales. The whole of the Principality, taking the average of the five years, from 1823 to 1827 inclusive, produced only seventy-eight causes per annum for trial, or thirty-nine for each great session, which, distributed among the twelve Welsh counties, gives on an average three and a quarter causes for trial at every Welsh assize. On the Carmarthen circuit, which is far the first in business, the late chief justice (Heywood) was induced by the inconvenience of trying every cause as a 'new issue,' to introduce a rule which is now acted on, by which no causes are commenced and tried at the same assizes, except actions for mere money debts of the simplest nature, and actions for nuisances. Nothing could be easier than to extend this rule, if an increased pressure of business rendered it necessary.

It appears to us, therefore, manifest, on an impartial examination of the evidence before the committees and the commission, that the Welsh local courts possess some considerable, and, we conceive, almost inevitable, advantages, in point of cheapness and expedition, over the system proposed to be introduced in their place. That the introduction of the English judicature must, by the great enlargement of the assize districts, and the consequent increase of travelling expenses, and of frequent correspondence between Welsh attornies and London agents, and by the introduction of more frequent new trials, special cases, and verdicts, to be disposed of less speedily than in Wales, increase the expense of

of lawsuits, we think cannot admit of a doubt. These are elements of expense which no reforms or alterations appear to us likely to avoid. That, on the whole, the proposed measure would be also attended by considerably increased delays, we have not the slightest doubt: 1st. From the loss of the rapid proceedings of *concessit solvere*, (which the commissioners do not purpose to introduce into the amended English system,) and the trials of what are called new issues. 2d. From the greater frequency of new trials and special cases, which we have shown to be incident to the English proceeding. 3d. From the various dilatory effects arising from the proceedings taking place two hundred and fifty miles from the residence of the suitor and his attorney. Now, we conceive, that if the proposed measure is likely to be productive of evils so serious and truly alarming as additional expense and increased delay, all question as to its policy falls to the ground. We know of no advantages which can possibly compensate such paramount evils; and though we are far from thinking the present judicature incapable of many and considerable reforms, we venture to say, that all the vices which its enemies discern in it, are small in comparison with those of augmented expense and increased dilatoriness of proceeding.

It is clear, that the main, and almost the sole, cause which has shaken the credit of the administration of justice in Wales, the only point put forward as the real ground of objection, relates to the judges. The inferiority of their rank and salary—their being appointed by the prime minister instead of the Lord Chancellor—their eligibility to sit in parliament, (where not more than two, however, now sit,)—their continuing their practice as barristers—their enjoying no retiring pensions and retaining the same circuit as judges,—these circumstances disadvantageously contrast their station with that of the judges of England, and, without reference to their personal qualifications, sufficiently account for the less degree of respect which is paid to them than to the English bench. We find not a single allusion to any misconduct of any individual judge beyond the too ardent attachment to office in one or two individuals, notwithstanding the warnings of years and infirmity —an attachment notoriously not confined to the Welsh, or the Irish, or the Scotch bench. The assembled justices of Anglesea, who are strongly in favour of retaining the present judicature, say,

'It is our wish, and we believe it to be the prevailing wish among intelligent persons in the Principality, that the judges shall be appointed for professional merit, and not from political motives; the contrary practice has occasioned much dissatisfaction and distrust in the country: but *we know of no other ground on which it is wished that the judicature should be changed*—on the contrary, we are of opinion

opinion that, were this our objection done away, the inhabitants of Wales would be better off than those of England, inasmuch as they have the choice of two sets of courts, to which they may resort, at their option, for the trial of their more important causes' (alluding to the power of trying such causes in Shropshire or Hertfordshire, the adjacent English counties). 'We adopt the language of the Grand Jury of Carnarvon in their resolution at the Summer Assizes, 1822, "*We are anxious for the continuance of our local judicature*, subject to such improvements as the wisdom of Parliament may think proper to adopt."'—p. 412.

That many country gentlemen, not so discriminating as those of Anglesea, should identify the system administered with the judge presiding, is not surprising. Every objection, well or ill founded, against a judge, must always bring disrepute on the law which he dispenses. Besides, as Sir William Owen justly observes, 'many persons who have felt a delicacy which has prevented their complaining personally of the judges, have visited their grievance upon the jurisdiction.' (*Appendix*, p. 419.) But when the legislator finds that all the indefinite clamours against the system dwindle, on investigation, into some dissatisfaction with individual judges, and a more general dislike, not to the bench, but to the principle on which the bench is filled—when he finds that the absence of retiring pensions induces the judges to remain too long in office, and that the eligibility to sit in parliament, and the appointment by the prime minister, expose them to suspicions of being political partisans—surely the judicious remedy is to remove these specific causes of objection, without abolishing the judicature, which possesses manifest advantages, and which these objections in no way touch. Why apply the knife or the cautery beyond the limits of the gangrene? Why peevishly demolish your mansion because three of your chimnies smoke? That Welshmen, who feel objection to their own judges, should, without inquiring how they may be improved, at once desire 'English judges' (that is, of course, such judges as Lord Tenterden and Mr. Justice Bayley) to travel to each of their tramontane capitals for the trial of three prisoners and 3¼ causes, is not unnatural, though somewhat inconsiderate. Though to Welsh reformers an 'English judge' may appear (as Lord Mansfield did to Erskine) the 'venerable form and figure of justice itself,' yet we must assure them (with the highest reverence for our bench) that our judges are found to be *men*, after all—differing infinitely in learning, in temper, in patience, in manners;—and, in fact, displaying, *inter se*, as great a disparity of judicial powers as is supposed to exist, in the abstract, between an English and a Welsh judge. Now, if Wales were annexed to the English circuits, so far from the judicial

judicial prizes always falling to the Principality, it is perfectly certain that, from the remoteness and other inconveniences of their circuits, they would, almost invariably, fall to the lot of the least experienced and efficient judges. While the present system has given to Wales such judges as Lord Kenyon, Sir William Grant, Lord Redesdale, Sir Archibald Macdonald, Mr. Compton Cox, Mr. Richard Ryder, Sir John Leach, Lord Wynford, Lord Lyndhurst, and when we find the highest satisfaction expressed with many of the existing judges—the Welsh have surely no grounds for unmixed dissatisfaction with their judicial appointments, improved though their principle might be.

But the paramount question is, whether English judges can be sent into Wales without sacrificing altogether the advantages of the local judicature, and incurring the expenses and other inconveniences of that consolidation of the counties so unpopular in Wales. We confess we see no practicable mode of reconciling the two objects. That eight English judges, at 5500*l.* per annum, should supply the place of the eight Welsh judges, and despatch the business precisely on the plan now in operation, is a scheme of course involving too heavy an expense, and too inconvenient an overfilling of the English bench, to be tolerated. And even supposing the Welsh circuits reduced to three, the creation of even six English judges to supply them would be too objectionable to be entertained. On this last scheme it is to be observed, that each Welsh assize would last for four weeks, *i. e.* a week at each assize town—a period which, though sometimes unnecessarily long in a few counties, could not, in the average of the counties, be reduced consistently with the procedure of the local judicature. On the other hand, if you attempt a further enlargement of each circuit, so as to reduce the number of judges requisite,—if you divided Wales into two circuits of six counties, in which case only four judges would be wanted, you would encounter a most serious and paramount evil in the duration of each circuit for so long a space as six weeks. Even supposing that four judges could be spared for that period from judicial duties in London, and possibly from assistance on the other circuits, it could only be by making the Welsh circuits strictly concurrent in time with the English circuits—an alteration which would infallibly have a pernicious effect in lessening the number and character and talent of the bar attending in Wales. It is now agreed on all hands, that the Welsh bar is efficient and competent to business,—a consideration of the very first magnitude in its effects on the administration of justice;—and an object only attained by fixing the Welsh circuits towards the close of the Oxford and Northern circuits, from

which Wales is now well supplied with lawyers, who would certainly never cross its frontier if they were thereby compelled to abandon their English practice by the Welsh and English circuits being rendered simultaneous. We have great doubts, when we read the evidence of Mr. Temple and Mr. Blake, before the committees in 1817 and 1821, and that of other gentlemen, and when we see how large a portion of the barrister's profits in Wales arises from the *banc* and equity business, whether the commissioners' plan would not be attended (among its other evil consequences) with a diminution of the talent and character of the Welsh bar. But however this may be, there can be no doubt that if you were to lengthen the Welsh circuits, and thus make the attendance at them incompatible with practice on the English circuits, the Welsh bar would soon be stripped of its most effective and important members.

As, therefore, you cannot conveniently increase the judges of Westminster Hall beyond the addition of three, and as you must have an assize in each Welsh county town, and of not less than a week's duration, in order to secure the full benefits of the existing local administration; and, as you cannot augment the length of the Welsh circuits beyond three or four weeks at the utmost, without incurring the certain desertion of men of talent and practice from the Welsh assizes,—what course remains which shall unite the benefits of English judges with those of the local judicature? We are at a loss to discover any. It has been proposed to send only one English judge to a circuit; and no other scheme has any appearance of feasibility. But when we consider that a part of the advantage of the Welsh system consists in the trial of causes and questions of law by a court of two judges; when we remember that the equity jurisdiction requires to be well administered, a mind habituated to equity practice, and consequently not equally familiar with the common law; and when we consider the extreme inconvenience and expense which the death or illness of a single unassisted judge may occasionally give rise to, we are decidedly of opinion that the bench of Wales could not be satisfactorily filled by less than two judges on each circuit. We confess, therefore, it appears to us clear, that English judges cannot be sent to the Welsh circuits without going the full length which the commissioners recommend,—without annihilating the existing judicature of the country,—without depriving six or eight Welsh counties of the advantage—peculiarly important in their poor and primitive condition—of an half-yearly assize—without increasing the expense and reducing the expedition of law-suits in the manner we have before mentioned; and without inflicting at once privations and burthens on the Welsh counties by their consolidation

lidation and partition. On these terms, the Welsh do not desire English judges,—we think they form a price at which they ought not to be forced upon them—and that the sound judgment of parliament will be best shown in simply amending those practical defects in the existing judicature which are explained in the Report and Evidence, (into which we cannot now enter,) and in removing the prevalent grounds of objection against the judges of Wales. If these temperate changes do not satisfy the outcries of pamphleteers and speculative reformers, we have little doubt they will be amply sufficient to meet the rational expectations of all sober and sober-minded Welshmen.

We agree, therefore, with Mr. Jones, Member for Carmarthen, that the judges' salaries should be raised to 1500*l.* per annum; that they should have retiring pensions; and be strictly compelled to retire when incompetent to an active discharge of their duty. Their appointment should rest with the Lord Chancellor, and be founded, like that of the English judges, strictly on professional reputation and merit; and in order to exclude all political influence, they should be disabled from sitting in the House of Commons; though we by no means admit, nor does our constitution acknowledge, as is often assumed, that there is any necessary incongruity in a judge having a seat in that assembly. The Master of the Rolls sits there; and the twelve judges are excluded, solely on the ground of their duties requiring attendance in the House of Lords. We think also that the chief justice should be taken from the common-law courts, and the puisne judge from the Chancery bar. Though objection has been made to the Welsh judges continuing to practise as advocates, we think, on the whole, that the efficiency of the bench will be best secured by the judges being generally selected from practising barristers. The judge, whose judicial duties only occupy six or seven weeks in the year, will, we conceive, be far better qualified by active occupation in the courts, for his judicial employment, than if the whole year were spent in vacuity and retirement. Sir Archibald Macdonald, Sir William Grant, Lord Redesdale, Mr. Cox, Lord Wynford, Lord Lyndhurst, some of the most distinguished judges of Wales, were all at the time in full practice at the bar.

We have not now space to insist on other advantages belonging to the Welsh system, especially on the facilities afforded for referring and compromising disputes, by the assemblage of suitors, lawyers, jurors, &c., at the assizes—*before any expense* has as yet been incurred in law proceedings. At an English assize, compromises are comparatively rare, because almost *the whole expense* of the cause has then been incurred. The commissioners seem, from one of their queries, to think that the assimilation of the man-

ners and habits of Wales to those of England is a desirable object. Whether it is so or not, we will not now discuss. But all the witnesses agree—indeed it is obvious to common sense—that nothing is more likely to impede such an assimilation, than the depriving of eight Welsh counties of the great advantage of communication with educated and intelligent Englishmen at the assizes.

ART. IX.—1. *Political Fragments.* By R. Forsyth, Esq. Edinburgh. 1829. 8vo.
2. *Church Reform.* By a Churchman. London. 1829. 8vo.
3. *Reasons for a Revision of our Fiscal Code.* By A. Mundell, Esq. London. 1828.

TO those who had watched the progress of the fierce and sanguinary struggle that terminated at Waterloo, the state in which this country was left by the vast augmentation of the national debt to which it led, and the new order of things created by the restoration of peace, afforded just ground for uneasiness. Still no immediate change in its condition became visible. The exhausted states of Europe required time to see and feel their altered situation, and in the meanwhile commerce resumed its ancient and accustomed channels. It was not long, however, before a depression became perceptible in almost every branch of industry, such as we had not for many years before experienced. Various persons pointed out the real causes to which this was owing, but the public were unwilling to listen to unpleasant suggestions, and the embarrassment, whose existence could not be denied, was assumed to be 'a passing cloud,' which, when it cleared away, would leave our political horizon as bright and cheerful as ever. This sanguine anticipation has not been verified. The disagreeable symptoms, veiled under this poetical figure, never wholly disappeared; and the pressure under which we have been suffering for the last ten or twelve years, has gradually become more and more severe, until the agricultural, manufacturing, and commercial interests of the country have become involved in general and deep distress. That distress prevailed to any serious extent was doubted or denied until it became visible in every corner of the kingdom, and was actually experienced by most people either in their own persons, or in those of their immediate friends and connexions. We may now, however, assume the distress of the country as a fact which is undisputed; and it may, therefore, not be wholly uninstructive to inquire, how far the policy pursued during the last ten years has tended to produce or increase the

the depression which is now experienced, and what steps might still be taken for its removal or alleviation. We have no taste for party politics; and with the personal squabbles, which have so largely occupied attention of late years, nothing could ever have induced us to meddle; but we cannot be supposed to have been careless observers of a period during which such suffering has spread over the country, while the general confidence in public men has, from a concurrence of very different causes, been shaken.

Passing by a variety of subjects, where the policy pursued may give rise to considerable difference of opinion, we shall select for examination a few particulars, in which the active or passive conduct of the executive government appears to have had the most important influence. These particulars are the following,—the morals and education of the people,—the number of absentees,—the insufficiency of the police,—the resumption of cash payments in 1819,—the system (so called) of free trade,—and the state of the two houses of parliament, especially the House of Commons.

In beginning with the morals and instruction of the people, one of the first acts of the legislature which attracts attention, is that for the suppression of lotteries. They required, indeed, no other suppression than the non-renewal of the last lottery act which passed in 1823, and for this resolution the legislature and the government deserve unqualified approbation. The misery entailed upon thousands by this species of gaming—the disgrace which attached to the state in consenting to derive a revenue from the vices of the people—and the inconsistency of punishing in individuals acts of the very same kind which it practised itself—make it surprising that so odious a source of supply had not been long before abandoned. Instead of lamenting over the tardiness of the repentance, however, let us rejoice that it came at last, and that no classes of society have shown any disposition to encourage lotteries of an inferior sort, since those of the government were suppressed.

The next enactment which presents itself under this head, is that which reduced the price of spirituous liquors, the motives to which were as pure as those that dictated the abolition of the lottery, but the operation of which has by no means proved equally beneficial. Ale and porter had long been the favourite beverages of the English people, and the amazing increase in the consumption of them which took place during the war, was constantly referred to as conclusive evidence of the flourishing state of the country, and comfortable circumstances of the lower orders. Had only a reasonable portion of the earnings of labourers and mechanics been then expended on malt liquor, had it been consumed in their own

own dwellings, and properly divided among the members of the family, the rapid increase in its consumption might have deserved to be viewed in this way; but it may well be doubted, whether the amount of ale and porter which was then brewed proved any thing more than the vast quantity of them which the earnings of working people in England then enabled them to swallow. Wives and children were more frequently impoverished than enriched by the exorbitant wages which their fathers and husbands, during high times, were able to obtain. It was then the excessive resort to public houses began, which has grown from year to year, until it has become almost impossible to stop or correct it. It has been strenuously urged that the trade in strong and spirituous liquors ought to be made as free as that in any other commodity; but notwithstanding all the wit and argument which have been employed, we deprecate such a measure as one of the most pernicious which could be resorted to in this country, and in the present state of society. Licences to sell strong liquors ought rather to be restrained than facilitated. Public-houses are temptations which the lower classes are scarcely able to resist. They have always been more numerous than necessity or convenience required, and the multiplication of them has never met with that general and marked disapprobation which it so obviously merits. Let public-houses be conducted with as much good order as they may, they can scarcely fail to be mischievous. They retain or withdraw every man who frequents them from his home and family, which ought always to be the centre of his thoughts and affections; encourage habits of idleness and irregularity; and destroy that frugality and forethought, which, in all ranks of the community, are invaluable, but, among the lower, are the source of almost every other virtue. We are satisfied, therefore, that a great deal too much anxiety has been evinced by our gentry and our legislature to increase the consumption of malt liquors, whether the means, comfort, or reasonable recreation of consumers justified it or not, and that to the inveterate custom of resorting to public-houses on all occasions, may be traced much of the pecuniary distress and domestic unhappiness which now afflict so large a portion of the labouring classes of the people.

All these objections apply with tenfold force to that immoderate use of spirits, which various unconnected causes have of late rendered more general. The ingredients, besides malt and hops, which brewers now introduce into their manufacture, have rendered malt liquors, to most persons, a less agreeable beverage than they formerly were; the reduction made by government in the duties on spirits, in order to destroy smuggling, has rendered these fiercer stimulants so cheap, that it has confirmed the use of them which the dislike to ale and porter had begun; and the hardness

of

of the times has driven many to seek, in dram-drinking and intoxication, that temporary oblivion, which is sure to be followed by a terrible aggravation, of their miseries. Thus distress and drinking act and re-act on one another. Distress, whether produced by vice or misfortune, leads to dram-drinking and intoxication; and dram-drinking and intoxication are sure in their turn to redouble and perpetuate the sufferings in which they originated.

It is difficult to say to what exact extent dram-drinking and intoxication prevail, either abstractly or comparatively, but the returns made to parliament are of themselves sufficient to establish two facts,—that they prevail to a most alarming degree,—and that the government reduced the duty on spirits under most erroneous notions of the effects with which that measure would be attended. In the course of a speech delivered by the Chancellor of the Exchequer on the 28th February, 1825, he expressed himself on this subject in the following manner:—

'We have surrounded the coast with ships and guards as with a wall of brass. We have imposed penalty upon penalty, and inflicted punishment upon punishment, but all in vain. Why? Because the cause of the evil is the law, and the alteration of the law has not yet been tried. Let us try it now. Let us try in England that change which has had such triumphant success in Ireland and in Scotland. Gentlemen may perhaps recollect, that when I proposed to make a great change in the distillery law of Ireland and Scotland, there were not wanting persons who exclaimed, What! reduce the duty on spirits? make all the people drunk? for God's sake abstain from so ruinous a measure! The measure was, nevertheless, taken, and what has been the consequence? So far from any evil having resulted from this step, tranquillity, order, and harmony, have superseded the disturbances, confusion, and ill blood, which arose from the desolating system of illicit distillation. Why then should we not try in England a system of which experience has proved to us the advantage? Every motive of principle, every view of interest, every feeling of duty and humanity, call upon us to pursue the same course. I do not say we should proceed with precipitation and rashness, or that we can attempt to do all at once. But we are now happily in the right course, and if we are but allowed to go on steadily and firmly, depend upon it we shall bring you to the goal in triumph.'*

The object which the government had in view in the reduction of the duty on spirits is here explicitly announced, and in itself is deserving of the utmost commendation. It was to suppress the great and growing evils attendant upon smuggling, which it was supposed might have been attained without habituating the people to the use of ardent spirits. That a great reduction in the price of spirits would at first lead to excessive indulgence in them was

* Hansard's Parliamentary Debates. New Series, vol. xii. p. 734.

anticipated;

anticipated; but the promoters of the reduction alleged, that this effect would be temporary, and at the end of a few months, or at most a twelvemonth, would have wholly disappeared. It is now quite certain that this expectation was fallacious. On the contrary the increase of dram-drinking and intoxication has now become a matter of universal notoriety and observation. It has lately drawn forth the marked animadversion of the bench of magistrates in whose jurisdiction the greatest part of the metropolis is situate; and the testimony of those who are most capable of forming an opinion, shows that the love of ardent spirits is spreading in almost every part of Ireland, Scotland, and of England, among all classes and both sexes, with the most alarming rapidity. In 1824, the amount of duty raised on home and foreign spirits, as exactly as we can collect from the perplexing manner in which they are entered in the public accounts, amounted to 5,305,776*l.* 9*s.* 2¾*d.* In 1825, notwithstanding the reduction of the rate of duty, it rose to 5,786,333*l.* 1*s.* 5½*d.*; in 1826, it was 5,474,632*l.* 10*s.* 4¾*d.*; in 1827, 7,492,221*l.* 7*s.* 0½*d.*; and in 1828, the revenue arising from spirits alone amounted to very little short of eight millions,* and formed almost a seventh part of the whole annual revenue of the nation. He must be callous, indeed, who can listen to such a statement without the most painful emotion. Whoever catches the least glimpse of the interior of a gin-shop, as he passes along, must feel his heart sink within him when he reflects that Government draws so large a profit from the dreadful trade which is there carried on. Politicians may despise or disregard the principles of morality in their schemes of finance, but they will find it in practice most hazardous to counteract them. A tax which begins by making the people more profligate will assuredly end in making the nation more poor; and whatever be its productiveness, or the facility and cheapness with which it is levied, it will be found, on the closest and fullest examination, to be the most profitable as well as virtuous policy to abandon it. If the good order, industry, and sobriety of the people be the chief sources of a nation's wealth and power, then the circumstances which have led to the rage for spirituous liquors now pervading the country well deserve consideration. Scarcely any single vice can be named which exercises so baleful an influence on mind, body, and affections. Adieu, among them whom it enslaves, to

'The native feelings strong, the guileless ways.'

It degrades them both in their individual and social capacity,—renders them reckless, and ripe for every sort of mischief; and, as

* See Quarterly Review, No. LXXXII. p. 512.

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one of its most certain and melancholy effects, they become both unable and unwilling to profit by that moral and religious instruction which, in all times and places, has had so benign an influence on the character and condition of the people.

It is not here intended to consider the effect of moral and religious instruction upon man, as a rational and accountable being. That is, unquestionably, its first and greatest object. But it is, at the same time, beneficently ordered, that moral and religious instruction should confer many distinguished political advantages on every community in which they may be welcomed and established. They form the most secure foundation on which the stability and happiness of the state can rest; and it is surprising that, in this point of view, they have not been more constantly and studiously promoted by those to whom the management of public affairs is entrusted. During the greater part of the eighteenth century, moral and religious instruction seem to have been pressed with little vigour. All ranks lived in joyous, but drowsy abundance, until the French revolution, and flourishing state of our commerce which took place during the war, directed all their energies to political discussion and the accumulation of money. Since the return of peace, we have had leisure to turn our thoughts to other subjects, among which, the education of the people, and especially of the lower orders, is daily forcing itself more and more into notice. If the lower orders are neglected by those to whom they naturally look up, they will soon neglect themselves. They will become less civilised in their minds, conduct, and enjoyments, and strangers to that kindness of heart, worth, and intelligence, which, under the most untoward outward circumstances, may be made to spread and flourish among the meanest of the people.

The advantages of being able to read and write are so manifest, that we should think there are few by whom they will now be disputed. Those who venture to question them take a partial view of the subject. They suppose the lower orders to be taught to read and write, without receiving any direction in what manner, or for what purpose, they are to employ those qualifications when they have acquired them. That even those who are *merely* taught to read, would, in general, be worse members of society than those who remain untaught, we should be disposed to doubt; but it is not requisite to settle that question. In our apprehension, reading and writing should always be viewed in conjunction with the moral and religious instruction wherewith, under the parental roof, at school, and in church, they ought to be accompanied and followed. In themselves, they are nothing but a preparation for the lessons which the individual is to receive as to the conduct

conduct of his life, and a preparation scarcely less necessary than the opening of the ground before the seed be cast into it. The seed may be well or ill chosen, and the plant grow up accordingly; but that is another matter.

We think it is, on every account, much to be wished that greater pains should be taken, than have yet been thought of, to provide schools throughout every part of England. The schools established within the last twenty or thirty years have proved incalculably useful, but are still inadequate. The numbers of both sexes to be found in different quarters of the country, and especially in the agricultural districts, who are wholly illiterate, we believe greatly to exceed what is usually imagined. It would be well worthy of the legislature to obtain from the clergyman of each parish, or some other competent authority, a return of the schools established within it; and if they should prove insufficient in number, or, from the nature of the endowment, could not be made available for the sort of education of which we are speaking, that permanent schools, on the most economical footing, should be provided to supply the deficiency. Scarcely any measure could have a more favourable effect on the rising generation, or more effectually pave the way, both among young and old, for acquiring that which is still more useful—instruction in religion.

On religious instruction, and the established church as intimately connected with it, we do not deem it, in this place, expedient to enlarge. The subject has, from a variety of distinct causes, but especially from the concession of the Roman Catholic claims, become one of the most serious that can be agitated. The errors which church or state may have heretofore committed, in failing to provide or communicate adequate religious instruction to the people, it would answer no good purpose to array against either of them now. By the acts for the building of new churches, for compelling the residence of incumbents on their livings, and by the manner of disposing of ecclesiastical patronage, the crown and the legislature have of late done much, and the church has, of its own accord, done a great deal more. Without drawing an invidious comparison between the past and the present, we believe it would be difficult to point out, in the history of the church, a more marked improvement than that which has recently taken place among our established clergy; or a period when they have, generally speaking, discharged every duty belonging to their character with more exemplary zeal and assiduity. At the same time a great deal yet remains to be done, which, with the aid and direction of parliament, we hope will gradually be accomplished. The whole of the outworks by which the church as well as the state

state was defended, (we are not now inquiring *why* or *how*,) have, one after another, been undermined and demolished. The state can now control the people only by the iron arm of the law; and it appears to be the prevailing aim and desire of the clergy to draw them by the bands of irresistible affection. So far as we have heard or perceive, they are willing to make every exertion in the performance of their spiritual duty, and submit to every alteration, with regard to the regulation of ecclesiastical endowments, which, after fair and mature examination, may be deemed advisable.* Beyond this, it is neither their right nor duty to go, and more ought not to be demanded of them. Sound and effectual religious instruction, however, requires the whole time and talents of those by whom it is undertaken; and it is only when these are given, that it sheds its genuine influence on the minds and conduct of those to whom it is communicated. It does not make men better, in order that they may be rendered better subjects; but they necessarily become better subjects and citizens, because they are better men. It is of the utmost importance, therefore, when so many of its external bulwarks are giving way, that the state should derive all the aid it can from this pure and imperishable source, and that the church should be disposed and enabled to extend and confirm her influence, by an increase of her means and energies proportioned to the wants and numbers of the people.

There is still another way in which the moral and religious condition of the country may be affected, and that is by the rules and administration of its criminal law. A few years ago, great exertions were made, by a body of active philanthropic individuals, to mitigate the severity of our criminal code, build penitentiaries, and multiply and enlarge gaols and houses of correction, in order to classify prisoners before trial, and facilitate their reformation afterwards. These are admirable objects, when pursued with discrimination; but the mitigation of punishment degenerated into a fashion, and many of its partisans were actuated by no other motives than misguided sensibility and a love of popularity. Parliament yielded to the clamour; and, although the extravagance into which it at first ran has since been moderated, persons accused and convicted of criminal offences are even now so well lodged, fed, and treated, that imprisonment is almost wholly stripped of the terrors with which it used to be surrounded; and the penitentiary at Milbank, raised and maintained at such enormous cost, has, by the confession of its own officers, turned out a total failure. Government are becoming alarmed at the expense of transportation; and the improved and enlarged prisons

* See the able pamphlet 'On Church Reform,' passim.

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and houses of correction, though still found insufficient for the reception of prisoners convicted or committed, are now a very serious burthen on a large proportion of counties throughout the kingdom.*

All this tends to prove that there must be some grievous errors pervading the whole system of our criminal jurisprudence. Instead of following the example of Metellus—'*qui prohibendo delicta magis quam vindicando exercitum brevi restauravit,*' the attention of our legislature appears to be directed, not to the prevention of crime, but to the punishment and reformation of the guilty. It does more than this. It not only makes the criminal the special object of its solicitude after conviction, but protects him both before his arrest and at his trial, to an extent which we believe was never heard of in any other country. However infamous a person's reputation may be; though he may have no avowable means of livelihood, and have become notorious as a rogue, vagabond, thief, or burglar; yet, if he has been sufficiently adroit to prevent complete proof of his guilt being brought against him in any one instance, he may carry on his depredations for half a century, and then retire as composedly as if he had been following a lawful calling. The protection thus extended to him before arrest, is still more conspicuously manifested at his trial. The judge usually warns the prisoner, should he be communicative, that he is not obliged to say anything tending to criminate himself, and takes advantage, on his behalf, of any defect which may appear in the proceedings, which are now so exceedingly technical, that the most trifling flaw is fatal. It is undeniable that prisoners, about whose guilt no person living can entertain the slightest doubt, escape by thousands through the loop-holes which this administration of the law has opened.

The security afforded to every class of irregular and vicious characters, is extended to the houses in which they congregate. Those who are concerned in the administration of justice, are still destitute of the authority which seems obviously necessary, for entering, and proceeding against the occupiers of, private houses, habitually used for unlawful purposes; and worthless characters of every description are to this hour suffered to sit unmolested in public-houses, where it is perfectly notorious the young are systematically initiated, encouraged, and confirmed in courses of criminal conduct, and offenders of all ages triumphantly assemble, whether to mature the plan or to celebrate the execution of almost every attack directed against the persons or property of their peaceable fellow-subjects.

* Summary Statements of Criminal Offenders throughout England, from 1822 to 1828, printed under the superintendence of the Home Office.—pp. 4, 5.

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The whole of what has now been mentioned appears to be a complete perversion of everything like just feeling and sound policy. It is certainly true, that no country can enjoy greater blessings than the liberty of the subject, and the impartial administration of justice towards every man who is put upon his trial; but it never can be reasonable that the innocent should be sacrificed to the guilty,—that those who obey the law should be made the victims of those who live by its perpetual violation. Most persons who support the present state of the law, will, in the strongest terms, lament the consequences above mentioned; but they say, that if the protection now given to the person and house of the subject were at all infringed, we should soon, either by the administration of the law, or the force of successive legislative enactments, be left entirely at the mercy of the government; and that they prefer the existing evil, as the lesser of two inconveniences, between which a choice must be made. We are compelled to take a different view of the case. We are not afraid of any undue restraint being imposed on the peaceable and orderly part of the community, in consequence of the law being made more rigorous with respect to those who are without home, livelihood, or character, because we think the public have sufficient sense and judgment to prevent it. On the other hand, if rogues and vagabonds continue to enjoy their present indulgence, the lives and properties of the honest and industrious will become so much endangered, that they will at last consent to surrender a portion of their freedom to insure their security. What has now occurred with respect to the police of the metropolis, is a proof of what will and must occur in other instances. If effectual means are not taken to prevent crimes, they will, as might be expected, regularly go on increasing. The Appendix to the Report on the Criminal Laws shows, that the number of commitments for criminal offences, in 1806, throughout England and Wales, amounted to 4,346. It appears, by the summary statements for the last seven years, of the number of criminal offenders throughout England, printed under the superintendence of the Home Office, the increase in which is extremely regular, that the number of persons charged with criminal offences, committed to gaol throughout England and Wales, in 1822, amounted to 12,241; while in 1828, they had increased to 16,564.* Those convicted, amounted, in 1822, to 8,209; and those convicted in 1828, to 11,723. Those committed in London and Middlesex alone, amounted, in 1822, to 2,539, of whom 1,513 were convicted; and those committed in 1828, to 3,516, of whom 2,277 were convicted.* What the actual extent of crime is at any

* Page 4.

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one time, it is impossible accurately to determine. So far as the testimony above referred to goes, it is decidedly increasing. In the sixteen years from 1806 to 1822, it seems to have increased threefold. Even though a better system should be supposed to have then begun, it still appears, that in the six years from 1822 to 1828, both the commitments and convictions had increased upwards of a fourth, an excess much beyond the increase of the population within the corresponding period.

In whichever way it is considered, nothing can be more unsatisfactory than the present state of the criminal law in this country. Either no means at all, or at least none that are efficient, are taken to rescue the young and unwary from the snares of old and practised offenders. Young and old, after they are committed, are huddled and kept together in such numbers, and for so long a period, before trial, that the principles and character of almost every one among them are irretrievably ruined, whether they be afterwards convicted or not. Besides this, vast numbers of persons convicted of trifling offences are sent to gaol by way of punishment, for whom that place has no terrors whatever. They are only fed and lodged, and, it is to be feared, confirmed in their evil habits, at the expense of the community; and the number of those who are dragging on this miserable existence appears to be every year augmenting. It is, therefore, much to be wished, that, among the other improvements of which our criminal law is susceptible, means could be taken to prevent notorious criminals, either individually or collectively, from finding rest or receptacle in any quarter; and that, when persons are destined for trial, the trial should be a speedy one,—thus saving many from being corrupted by bad example, and all of them from becoming, as they now are, a burden on the counties, to the gaols of which they are committed.

Taking leave of those measures which are calculated to raise or depress the moral character of the country, we shall pass on to some of a more tangible nature which affect its wealth—beginning with the injury we suffer from our voluntary absentees. The swarms of English who, since the restoration of peace in 1815, have continued to flock to the continent, will be mentioned hereafter among the strangest *memorabilia* of modern history. No rage ever seized such a proportion of persons of all ranks in any other nation. The astonishment excited by their numbers and profusion on all the roads along which they passed, and the intercourse with them which has been brought about in all those places where they fixed their residence, have, beyond all doubt, caused

* Page 15.

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the country which sent them forth, and its habits, language, and literature, to be more closely and extensively studied than these ever were before. In addition to this, the splendour in which many of them have been able to live, and the open and fearless manner in which most of them speak and act according to their own fancy and judgment, have, in the most refined parts of Europe, had a considerable influence on the tone and manners of society. On the other hand, they usually set out at first, and no small portion of them afterwards continue, less conversant with the language and affairs of the countries which they visit, than any other class of strangers. There is something ungracious or forbidding in their air and address, and an assumption of superiority, not unfrequently much at variance with the intrinsic merits of the individual. From whatever cause it is, they do not amalgamate with the people among whom they live. They are found above, below, or apart from them,—very rarely associating with them on a friendly and equal footing. From this peculiarity of character and disposition, we doubt whether our absentees, with all the advantages and excellent qualities which many of them possess, have made themselves any where popular, and whether, upon the whole, they have not diminished, instead of increasing, the love and esteem previously felt for their country.

If our absentees have not procured for us an accession of credit or national influence, we have indisputably lost by their expatriation in every other way. But few of them have gone abroad for the only legitimate objects of travelling. A certain number go for health, either of their own accord, or by desire of their physicians; and a larger proportion are urged away by economy, or, in other words, a desire to procure luxuries and accomplishments for themselves and families, which their fortunes will not enable them to command at home. By this means, they prevent themselves, until the end of a certain period, from descending to that station in life, which it would have been as well for themselves, and better for the community, had they been content to take at the beginning. The conduct of those who go for pleasure, and they are in reality by far the largest portion of the whole, appears to us to deserve the severest reprehension. Many of them abandon the most important duties which, as landowners, magistrates, heads of families, or members of society, they can be called on to perform; and most of them, instead of endeavouring to copy only the useful and elegant accomplishments of the people among whom they sojourned, have fallen into an imitation of other qualifications, of more easy but much less honourable acquisition. The firmest minds can hardly resist the contamination of continual bad example, and no inconsiderable part of our absentees

absentees have departed from some of the most important principles, both of conduct and opinion, in which they were brought up. But it is not on this point principally that absentees are here considered. If they had thought fit to transfer themselves and their fortunes altogether to another land, they had a perfect right to do so; but while they continue to possess land or goods here, which have been secured at an enormous cost, it certainly seems unreasonable that they should be permitted to withdraw themselves from those burdens by which that security has been purchased. The number of English settled in the Netherlands, France, Germany, Switzerland, and Italy, is supposed to exceed one hundred thousand, drawing from the country not less than five millions annually,—a sum so large, that if, instead of being scattered among strangers, it were spent in the deserted halls and mansions of these islands, it would materially alleviate the distress with which we have been struggling. Whether any direct or indirect tax ought to be imposed on those who reside out of the country for six months, or other limited time, we do not know; but we are confident that no objection would be made to almost any plan which could be devised to reach them. If no such plan can be discovered, that circumstance will add one more to the other reasons which exist, for deliberately undertaking such a complete revision of our financial system, as shall bring down our prices to the level of our neighbours, which, if it could be effected, would at once put an end to absenteeism, as well as many still more heavy disadvantages.

A subject, however, which even more deeply affects the country than the number of its absentees, is the state of the currency, which was put upon its present footing by the 59th Geo. III., c. 49, (commonly called the act for the return to payments in cash,) passed in the year 1819,—a measure which will probably be deemed hereafter one of the most adventurous that ever received the sanction of any legislature. Instead of entering into a detailed examination of any of the abstract questions respecting currency, which have of late years so much fatigued the public, we shall treat the act itself, and the preliminary discussions which took place, as matter of past history; and after refreshing the recollection of our readers with an outline of the views and arguments offered by the leading members of both houses, who supported and opposed the measure, shall then content ourselves with trying to ascertain how far the assertions or anticipations of either party have been verified or contradicted by subsequent experience.

Whether we could have carried on the war, without resorting to the Bank Restriction Act of 1797, is a point which can never be conclusively determined. The minister by whom the affair

affairs of the state were then conducted, was possessed of such acknowledged integrity and resolution, that he could never have been induced to resort to it, unless he had believed it to be unavoidable. Unavoidable or not, however, the shocks it has caused to public and private credit, and the endless discussions to which it has given rise, prove daily more and more clearly, that its introduction marks a lamentable epoch in our history. From the moment the Bank was released from the obligation of paying in gold, the depreciation of our currency, though for a good while scarcely perceptible, may be said to have begun. The paper of the Bank was issued freely; commercial confidence, if it did not return before the Bank restriction was adopted, was at least confirmed by the measure; and the continuance of the war compelled the government to make, and the prosperity of the country enabled its citizens to advance loans *in the depreciated currency*, between the years 1793 and 1816, to an amount which will never cease to excite astonishment whenever they are mentioned. The interest or principal of all these sums, we have since undertaken to discharge *at the undepreciated standard*. This is not the only hardship to which those who have successively managed the finances of the country have obliged it to submit. For the sake of obtaining loans at somewhat lower interest than would otherwise have become payable, or of avoiding the appearance of borrowing at a higher rate of interest than that which the law allows in the case of private individuals, the nation has been made to come under an obligation to disburse vast sums which it never received, and, until payment of the principal, to pay a very high rate of interest, which it is vain to expect it will ever be possible materially to reduce. In illustration of this, it may be mentioned, that a loan of thirty millions, in 3 per cent. stock, was inscribed in the books of the Bank in 1798, for which the public received only fifteen millions in the actual currency of the country. In case we should ever be able, therefore, we have contracted to pay twice as much as we received; and, until then, we are obliged to pay actually 6 per cent. interest for it, instead of 3, without the possibility of getting the rate diminished, until the ordinary rate of interest shall fall below 3 per cent., which is not likely soon to happen. It is true, that the terms of this loan were, perhaps, the hardest we ever were obliged to submit to; but on looking through the second table annexed to Dr. Hamilton's Treatise on the National Debt,* it will be perceived that several others have been contracted, the conditions of which, on the part of the public, were very little more favourable. Dr. Hamilton calculates—

'that if the funded debt contracted since the commencement of the

* p. 200.

seven years' war were paid off at par, the nation would pay above one hundred and thirty millions more than it ever received, which is more than one-third of the debt contracted. The far greater part of this excess has arisen since the war of 1793, and almost the whole of it since 1780."*

The accuracy of this work has never been impeached; and it is well worth while to examine the reasoning of the author, as well as the tables he has compiled, in order to perceive, so far as the debt is concerned, in how inexplicable and inconsistent a manner our financial affairs appear to have been conducted.

But the disadvantages to which the country has been subjected, by the terms on which it has engaged to pay the principal or interest of its debt, become unimportant when compared with the effects of the bill of 1819 for the resumption of cash payments. We entreat those who have time and opportunity, to peruse again the whole of the debates in parliament on that occasion. They are full of instruction, and will amply reward the labour of those who have the perseverance to travel through them. It would be difficult to refer to any proposal which proceeded less from any individual or party than the act in question. It passed almost by acclamation. Most of the members of both houses, who delivered their sentiments, did little else than compliment each other on their large and liberal views, and express their congratulations on the diffusion and triumph of the sound principles of political economy. Could the same men be now assembled in the same place, to hear their own speeches repeated as they are recorded, so many confident assertions have been refuted by the event, and so many persons, then high in reputation, appear, *ex facie*, to have misled those who relied upon their reputation and experience, that it would be very curious to observe the effect produced upon them. It requires an effort to dissent from measures, the success of which is universally assumed to be certain, or to avow any hesitation about the soundness of principles which pass current among those who are reverenced as statesmen, and for a profound acquaintance with the doctrines of political science. The result of this debate affords signal encouragement to the exercise of this firmness. If those who conscientiously differ from their colleagues express the grounds of their opinion with honesty and temper, they will be respected, even if they be in the wrong, and, if they should eventually prove to be right, the public will make them ample, though tardy, amends.

It does not appear that any petitions were presented against the bill of 1819, except one from the merchants of Bristol,†

* Hansard's Debates, vol. xxxix., p. 72. † Ibid., p. 169.

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a second from the town of Leeds,* a third from the town of Halifax,† a fourth from the Governor and Directors of the Bank of England,‡ and a fifth from the merchants, bankers, and traders of the city of London. § No resistance whatever appears to have been made to it in the House of Lords, unless the Earl of Lauderdale ought to be excepted. Sir Robert Peel, Lord Folkestone, Alderman Heygate, and Mr. Hudson Gurney, spoke against it in the House of Commons. Mr. Western, and several other members whose names do not appear in the printed proceedings, also gave it their decided opposition. Trusting to the patience of our readers, in a matter the momentous importance of which to the interests of the whole community is now appreciated, we shall proceed to recapitulate the chief arguments used by the speakers for and against the bill, in the language in which they themselves expressed them.

Lord Liverpool, then at the head of the government, said—

'The next question to which he had to call attention was, as to the expediency and practicability of returning to the ancient standard of value. Policy, good faith, and common honesty, called on the state to return to the ancient standard, if possible. It might be said, that the debts to the public creditor were contracted when the country was under different circumstances; but such an argument would apply at all times. The engagement was to pay according to a certain standard; and those who engaged to do so were bound by that engagement, if they meant to act honestly. But the consequence of departing from that standard was not only objectionable between the state and the individual—it must also operate between every individual debtor and creditor in the country. It was impossible, in either case, to enter into calculations of individual loss or gain. Those who entered into the engagement, did so at their own risk; and the state, having made or authorised the contract, was bound to see it fulfilled, without reference to those who had benefited or those who had lost. But was this practicable? He was prepared to show that this was not only practicable, but that *no practical inconvenience could arise from the adoption of the principle he recommended.*'‖

Lord Grenville, after admitting that 'the depreciation of paper had been nearly one-third, and the loss to all classes of the community, who held it, nearly to that amount,'¶ and after having detailed at great length the evils of a fluctuating standard, proceeded thus:—

'He saw no reason for supposing that even the payment at present of the bank-note at par would produce *any serious evil:* the utmost loss would be *three per cent.* This he did not conceive a serious objec-

* Hansard's Debates, vol. xxxix. p. 188. † Ibid. p. 212. ‡ Ibid. p. 223 and 602.
§ Ibid. vol. xl., p. 599. ‖ Ibid. p. 613.
¶ Ibid. p. 650.

tion; for at a time when it would have been thought sacrilege that the bank should ever suspend its payments, there were frequent fluctuations in value, to the amount of five per cent., without any serious evil. Why, then, was the loss of three per cent. objected to as an insuperable difficulty? His opinion, indeed, had been, that cash payments might have been safely resumed at the end of this year.'*

Mr. Peel, who, as chairman of the committee appointed to investigate the affairs of the bank, brought forward the bill in the House of Commons, said—

'that his mind was relieved from considerable anxiety, in the difficult and laborious task which he was induced to undertake, by the concurrent opinion of the gentlemen with whom he acted in the committee, and the great respectability of the evidence upon which that opinion was founded. He was free to say that, in consequence of that evidence and the discussions upon it, his opinion with regard to this question had undergone a material change. He was ready to avow, without shame or remorse, that he went into the Committee with a very different opinion from that which he at present entertained; for his views of the subject were most materially different when he voted against the resolutions brought forward, in 1811, by Mr. Horner, as chairman of the bullion committee.'

He afterwards went on to say, that—

'after the repeated declarations of parliament that it was advisable that the bank should, at the earliest possible period, resume cash payments, he had hoped that the only points necessary for them to proceed to on that night, would be to fix on the period when the restriction should cease, and to adopt the most feasible mode of carrying their intention into effect. But it was impossible for him to conceal from himself that new and extraordinary opinions had been promulgated, which, if the house were prepared to act on them, must inevitably lead to an indefinite suspension of cash payments.'†

Mr. Peel adds a little afterwards—

'It was therefore absolutely necessary, in the outset, that parliament should make up its mind on this point, whether a metallic standard of value should or should not be resorted to; and after an experience of twenty-two years, it was in his mind impossible that any considerate man should hesitate upon that question, or upon the expediency of returning to the ancient system of fixing upon some standard of value.'‡

The Chancellor of the Exchequer says—

'The proposition for altering the standard could afford only a *momentary advantage;* and its fallacy had been sufficiently exposed by his honourable friend.' §

Mr. Ricardo said—

* Hansard's Debates, vol. xl., p. 679.
† Ibid. p. 677.
‡ Ibid. p. 651.
§ Ibid. p. 738.

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'The difficulty was only that of raising the currency *three per cent.* in value (*hear! hear!*); and who could doubt that, even in those states in which the currency was entirely metallic, it often suffered a variation equal to this, without inconvenience to the public? (*hear!*) His particular reason for supporting the measure under consideration was this:—By withdrawing paper, so as to restore the note to its bullion value, (an alteration, by-the-by, of only three per cent.) the House would have done all that was required.' He subsequently added, 'He would venture to state that, in a *very few weeks, all alarm would be forgotten;* and at the end of the year we should all be *surprised to reflect*, that any alarm had ever prevailed at a prospect of a variation of three per cent. in the value of the circulating medium.'*

Having quoted the chief arguments and opinions urged on one side of the question, we shall now transcribe some of the most remarkable passages in the petitions presented, and speeches delivered, on the other.

The petition of the merchants, bankers, and traders of the city of London, which was presented to the House of Lords on the 21st of May, sets forth—

'That your petitioners have reason to apprehend, that measures are in contemplation with reference to the resumption of cash payments by the Bank of England, which, in the opinion of your petitioners, will, as they humbly submit to your Lordships, tend to a forced, precipitate, and highly injurious contraction of the circulating medium of the country. That the consequences of such contraction will, as your petitioners humbly conceive, be to add to the burden of the public debt; greatly to increase the pressure of the taxes; to lower the value of all landed and commercial property; seriously to affect both public and private credit; to embarrass and reduce all the operations of agriculture, manufactures, and commerce; and to throw out of employment a great proportion of the industrious and labouring classes of the community.'†

The representation made by the governor and directors of the Bank of England to the Chancellor of the Exchequer, contains expressions very much to the same effect.

'The directors,' they say, 'being thus obliged to extend their views, and embrace the interests of the whole community, in their consideration of this measure, cannot but feel a repugnance, however involuntary, to pledge themselves in approbation of a system which, in their opinion, in all its great tendencies and operations, concerns the country in general more than the immediate interests of the Bank.' . . . . 'They feel it their bounden and imperious duty to state their sentiments thus explicitly in the first instance to his Majesty's ministers on this subject, that a tacit consent and concurrence at this juncture may not, at some future period, be con-

* Hansard's Debates, vol. xl., pp. 743, 747. † Ibid. p. 598.

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strued into a previous implied sanction, on their part, of a system which they cannot but consider fraught with very great uncertainty and risk.'*

Sir Robert Peel, on presenting the petition of the city of London,

'begged the House would pay particular attention to the petition which he now held in his hand. It was one of no common character, but that of a great and important body, all of the first respectability, praying that those resolutions which were intended to be submitted to the House might not be carried into effect. He begged leave to state his opinion, that the petitioners were the best judges of such a measure. He would add, also, that although they were intimately connected with all that concerned the welfare of the country, the most experienced men, and the best qualified from their connexion with our own manufactures and commerce, *yet they had not been examined by the committee.* He hoped, therefore, that before a measure so destructive of the commercial interests of the country was passed, (and when he said that, honourable members would conclude every other interest to be combined with those, and go along with them,) the House would pause awhile, in order to collect that information which they so particularly wanted. In looking at the reports which had been published on the subject, he must say that the witnesses were *not men likely to give any information to Government—not men acquainted with the state of the country—the last men who should have been questioned, if Government wanted to arrive at the merits of the case.*'†

Other speakers expressed themselves not more favourably to the plan proposed by Government. Lord Folkestone urged strongly the injustice of returning to the old standard, after so much debt had been contracted under the new.‡ Alderman Heygate also strongly dissented, and concluded by declaring that,

'in what he had said, he had been actuated solely by a deep and solemn conviction, that those who had studied this subject had been guided too much by theory, and too little by practice. Let the House consider what the nation had suffered, and what burdens it was then bearing.'§

Mr. Hudson Gurney seems to have spoken shortly; but some of his observations are more than ordinarily pointed and remarkable. After noticing that the quotations made by Mr. Peel from Lord Liverpool's book on Coins, with respect to the successive restorations of the coinage in the times of Edward I., Elizabeth, and William III., were inapplicable to the present time, because those monarchs had none or a trifling debt, he proceeded thus:—

* Hansard's Debates, vol. xl., p. 620. † Ibid. p. 672.
‡ Ibid. pp. 765, 766. § Ibid. p. 783.

'He

'He could not but adhere to the opinion he had expressed before, that the restriction had been caused by the growth of the national debt to an amount at which it could not be borne at the old values—that the remunerative price of every production had necessarily increased under increased taxation. The Government, at the peace, had, in his opinion, most wisely put forth an excellent silver coinage, which was satisfactory to every body, cutting the pound troy into 66*s.* instead of 62*s.*; and he believed, in his conscience, that if they had only put forth the sovereign at 21*s.* instead of 20*s.*, we should have heard of none of those revulsions, and difficulties, and alarms—that it would have been a measure of equal and substantial justice: and that all we have seen, and all we have suffered from these repeated fluctuations of credit, and consequent derangement of the saleable price of all commodities, was to be attributed to this erroneous determination—that an ounce of gold should, under the taxation of a debt of eight hundred millions, pass for no more than 3*l.* 17*s.* 10½*d.* happen what might. The honourable member for Portarlington had stated the present difference to be only three per cent., but that merely proved the depression of price in all other articles; and it must be obvious that, under this depression, we could not go on. Instead of *three per cent.*, he feared we must calculate *whether our farmers and manufacturers could afford to drop twenty per cent. upon their prices, and yet pay their taxes, their workmen, and their rents.*' Mr. Gurney concludes thus:—'The question before the committee is, whether they shall adopt resolutions, which, shift the matter as you may, come to this—Will you at this moment *indefinitely increase the weight of your taxation*, and *diminish the means of bearing it*, by cramping your present circulation, without the immediate substitution of a better in its place, and thus forcibly bear down your prices, to the certainty of producing an embarrassment and distress of which it is not easy to foresee the issue?' *

Two other authorities remain to be adduced, differing most widely in every one respect—except that both corroborate the apprehensions by which the opponents of the measure professed to be actuated. Lord Castlereagh, though he acted with the Government, yet took occasion to observe that—

'It was worse than idle to hold out the hope of low prices that would follow, unless at the same time a remunerating price was secured to all the other classes of the community who kept the labouring men in employment. Any measure that would deprive the employers of that remuneration, must in a short time destroy the hope of low prices to the poor. The advantage would be temporary. Distress and misery must follow, and the result would be a delusion on the country.'†

The next authority is no less worthy of attention than any of

* Hansard's Debates, vol. xl. pp. 761, 763. † Ibid. vol. xxxix., p. 245.

those

those that have been mentioned,—it is that of Messrs. Hunt and Wooler, of whom Lord Lauderdale, in presenting the petition of the merchants, bankers, and traders of London to the Lords, remarked, that these demagogues and others intended to be present at the meeting, as they made no secret that they expected and exulted in expecting, 'the greatest distress to be produced by the plan of the Government.'

Two years after this, on the motion of the Chancellor of the Exchequer, that the Bank should be at liberty to resume cash payments on the 1st of May, 1821, instead of the 1st of May, 1822, Mr. Baring declared

'it was not with the details of the measure he meant to cavil. He wished the principle upon which these details rested to be reconsidered. No man doubted that it was most desirable to return with as little delay as possible to cash payments. It was equally agreed, that a country could not encounter a greater misfortune than a constant variation of the principle which regulated its currency. If he did not therefore feel the subject to be one of the gravest nature, he would not now call upon the committee to reconsider the principle upon which parliament had been hitherto acting. In looking at this important question, he thought it very material to consider what was the real cause of the present situation of the country in the sixth year of peace. Petitions came from all quarters, remonstrating against the state of suffering in which so many classes were unhappily involved, and none more than the agricultural class. When such a state of the country was manifest in the sixth year of peace, and when all the idle stories about over production and under consumption, and such like trash, had been swept away, it was natural to inquire into the state of a country, placed in a situation without a parallel in any other nation or time. *No country before presented the continuance of so extraordinary a principle as that of living under a progressive increase of the value of money, and a depression of the productions of the people. If they had got up to the top of the hill, that would be a good reason for not entering into any further inquiry, but he could not by any means admit that they had arrived at such a situation. It appeared to him, that by the operation of the altered currency, they had loaded themselves not only with an immense public debt, but also with an increased debt between individual and individual—which debt had been greatly varied —the weight of which continued to press on the country—and to the continuance of which pressure he could not at present perceive any end.*'*

Having thus recapitulated the most material parts of the debates which took place on the introduction of the bill for the resumption of cash payments, we shall now venture on one or two general reflections, which we hope a complete examina-

* Hansard's Parliamentary Debates, New Series, vol. iv. p .1731.

tion

tion of the whole proceedings of that period will be found to warrant. One of them is, that there never, perhaps, was a plan of equal moment submitted to parliament, in regard to which the temperate and almost supplicating tone of those who opposed it, was more singularly contrasted with the confidence and impatience of those by whom it was supported. The representation of the governor and directors of the Bank of England, and the petition of the merchants, bankers, and traders of the city of London, were scarcely treated with ordinary decency. They were not, it is true, absolutely rejected; but after they were received, were treated with the greatest scorn and derision, and the whole body of those by whom they had been subscribed were represented as utterly disqualified from forming any opinion on the subject, either on account of ignorance or interest. In the meanwhile, the House of Commons appears to have relied so implicitly on the doctrines and declarations of Mr. Ricardo, who assured them that the operation could not produce an alteration of more than *three per cent.*, that they rushed forward in the blindest security, and would not for a moment listen to those who remonstrated with them on their danger. Another very remarkable circumstance is, that throughout the whole course of the debates, as now reported, not a single member of the Government, in either house of parliament, adverted to the change which the act might possibly produce upon the real amount either of the principal or interest of the national debt. Unaccountable as the circumstance may appear, we believe this fact will not be contradicted. The only words proceeding from any member of the administration which can be construed as indicating any mistrust of the scheme proposed, are the obscure observations of Lord Castlereagh, which have been already quoted. We confess it appears to us that the government and the legislature appear throughout to have taken too narrow a view of the measure. They saw nothing but a possible rise in the value of money to the amount of three per cent. They honestly admitted and lamented the great extent to which the depreciation had at one time gone; expatiated on the benefit of reverting to a fixed standard of value; and congratulated the country, that the trifling sacrifice of three per cent. would secure the attainment of so desirable an object.

That it was proper to return to a fixed standard of value, there could be no doubt. It was obviously inexpedient that the Bank should possess the power of raising or depressing it at its own pleasure, by the enlargement or contraction of its paper; and there is no ground to suppose that the Bank itself felt the smallest wish

wish for the continuance of such a privilege. But the return to a fixed standard of value, and to fix what that standard shall be, are so entirely different questions, that it seems impossible they should ever be confounded. The real difficulty consisted in fixing on the standard. Whether the old or a new standard should have been pitched upon, ought to have depended, one should think, upon the length of time during which the depreciation had continued; the extent to which the depreciation had proceeded; the increase in the value of gold and silver; the increase of debt which had taken place during its continuance; and the conditions, express or implied, under which that debt was contracted.

At the time when the bill for the resumption of cash payments was introduced into the house of commons, the suspension of them had lasted for two and twenty years, and its provisions did not secure their complete resumption till four years afterwards. These two and twenty years formed a period by no means inconsiderable in duration, and infinitely more important, on account of the variety and magnitude of the transactions which had been begun and carried on during its progress. They, perhaps, exceeded in number, and certainly in value, all those in which the people of this country had been engaged during the whole antecedent periods of their history. The severe injury which the suspension of cash payments inflicted at first, had in a great measure ceased, or been forgotten; and whatever people's abstract opinions might be, they had, in the management of their affairs, conformed to the course of things which had gradually become established. In such circumstances, it seems to have been extremely hazardous to make any change in a currency, to which the body of the people had become accustomed, and with reference to which by far the greatest part of their family, commercial, and public contracts and arrangements had been made and executed.

The degree to which the depreciation had gone, or at which it stood, at the discussion of the bill, appears to be even more material than the length of its continuance. It unfortunately happens, that neither the state of the foreign exchanges, a comparison between the mint and market price of gold, or any other means yet specified, clearly and satisfactorily ascertain this point, and to the want of some such criterion much of the difference of opinion which prevailed will be found to have been owing. Mr. Ricardo and the members of the government insisted that the rise which the bill would cause in the value of money would not exceed 3, or at the utmost 5, per cent. Their opponents all declared that, taking it even at the highest of these themselves

sums, it was much underrated, but they did not agree among themselves with respect to its exact amount. It was estimated by various persons at 5, 6, 8, and 10 per cent. By the member for Ipswich the depreciation was alleged, we know not on what authority, to have at one period reached even 36 per cent. The most general persuasion which then prevailed, and still continues to prevail, among those who disapprove of the act, is that the depreciation amounted to about 25 per cent. It would have been idle to expect the two parties in this controversy either to agree or approximate, when they differed so widely about the main fact upon which all their reasonings proceeded. A measure might be wise, if the depreciation amounted only to 3 per cent., which became doubtful if it reached 5 per cent., and would generally have been pronounced dangerous, or impracticable, if it had been known to extend to five times that amount. The government and parliament, therefore, ought to have spared no time or pains to collect and communicate all the information they could on the subject; and the readiness with which they trusted to the few speculative witnesses examined before the committee, must be numbered, we apprehend, among the greatest oversights which they committed.

Another fact, nearly equally important, and to which no attention was paid during any part of the parliamentary discussions, was, that the value of gold and silver had been, for a number of years, rising even more rapidly than that of paper had been falling. It appears, from a note sent by Mr. Jacob to Mr. Tooke,* that, from 1800 to 1810, the average annual supply of gold and silver, from the Spanish and Portuguese mines of America, amounted to 47,061,000 dollars, while their annual average amount, from 1810 to 1821, was stated first by Mr. Jacob at 16,036,000, and afterwards reduced by him to 12,000,000 dollars. It is urged by Mr. Mundell, in two very ingenious tracts,† that this defalcation has had a material effect on prices, both in this country and other parts of Europe. It may be as difficult to fix the extent of the rise in the value of gold and silver, which this defalcation has occasioned, as the depreciation in our currency which followed the Bank restriction act of 1797. One thing, however, is plain enough—as this defalcation is said by a man so well informed as Mr. Jacob to amount to no less than three-fourths of the whole produce of the chief supplies of the precious metals, it cannot fail to diminish our confidence in the wisdom of the scheme for returning to cash pay-

* Tooke, on High and Low Prices, 2d ed., p. 380.

† 'Reasons for a Revision of our Fiscal Code;' and 'Tables, showing the Difference between the Official and Declared Value of our Exports, from 1814 to 1828.'

ments

ments in 1819, that a circumstance so materially and directly bearing upon that measure, was either unknown or disregarded.

The amount of our existing debt is another circumstance which the supporters of the return to the old standard of currency equally neglected. When Mr. Peel quoted, in its defence, certain passages from the treatise of Lord Liverpool, relating to the restrictions of the currency in the reigns of Edward I., Elizabeth, and William III., at the two first of which periods there was no debt at all, and at the last its amount was extremely trifling, he must have done so inadvertently. He could not possibly mean, that the rise which the act would occasion would be confined to the gold and silver currency throughout the kingdom. Every individual, who has directed any part of his attention to the subject, will admit that, whatever alteration the bill should make in the currency, must, of necessity, extend equally to the whole mass of the national debt. The error of those who countenanced the bill of 1819, was, that they never told the legislature or the country, plainly and distinctly, what its practical effects would be. As the unredeemed debt then amounted to eight hundred millions, if the passing of the bill raised the value of money 3 per cent., that would create an addition to the national debt of twenty-four millions,—if of 5 per cent., it would then mount up to forty. Surely these sums are sufficient additions to the burdens of the country, to require an exact statement of their nature and amount, before they are laid upon it. If, however, it be true, as the opponents of the bill alleged, and is still generally believed,* that the depreciation amounted to no less than 25 per cent.; then the return to cash payments added at once two hundred millions to the national debt,—between eight and ten millions annually to the interest paid upon it—and about eight millions more by the enhancement of the other taxes. The sums are so large, and the consequences so striking, that one is constantly afraid of falling into miscalculations, where it is so desirable they should be avoided. Supposing, however, that 25 per cent. is considerably beyond the extent of the alteration which the resumption of cash payments actually produced—that circumstance can hardly be said to alter the responsibility of the advisers of the measure. When the national debt is so enormous that every 1 per cent., which is added to the value of the currency, adds substantially no less than eight millions to the principal of the national debt, and between three and four hundred thousand pounds annually to the amount of the interest, it behoved them, as men of business and experience, to have been certain, almost to demon-

* See Quarterly Review, No. lxxvii. p. 189.

stration

stration, of the exact extent of the risk the country ran, before they permitted any tampering with so nice and dangerous a subject.

We cannot help thinking that the legislature ought also to have looked more narrowly than it did into the conditions, express or implied, under which the debt was contracted. No casuistry can be more odious than that which strives to absolve individuals or communities from the fulfilment of the engagements they have undertaken. But we confess it appears to us that the obligation of the country to pay the principal and interest of its debt in the ancient standard, has been assumed a great deal too easily. It is very true, that at the first suspension of cash payments, the strongest declarations were made of the intention of the Government to return to them as soon as possible,—and that similar declarations were frequently renewed by the administrations which succeeded. But we do not believe that any guarantee was ever given or intended, that the principal or interest of any particular loan should be paid in the old or any other standard. It would have been oppressive on the part of the lender to have exacted such a stipulation, and irrational on the part of the borrower to have consented to it. Nearly five hundred and fifty millions out of eight hundred, that is to say, almost three-fourths of the whole unredeemed debt, were advanced in the depreciated currency. We are persuaded, that those who contracted for successive loans during the war, as well as those who became the purchasers of portions of them afterwards, never gave themselves a moment's concern about the currency in which the principal or interest was to be satisfied. One cannot help wondering to see legislators and men of experience gravely talking as if every purchaser or speculator in the funds had constantly kept before his eyes some actual binding agreement, with respect to the resumption of cash payments, which could have been enforced in a court of justice. There is not the slightest ground for such an assumption. Those who bought in and sold out, took their chance of what might happen. They trusted that no change would be made lightly or dishonestly, and the creditor of every government knows that he can get no more effectual assurance.

With those who advanced the two hundred and fifty millions of debt contracted before the Bank Restriction Act passed, the case is different. If they could have been distinguished, they had an undoubted right to be paid in the currency in which their money was advanced. But as they could not now be discovered —as they formed but a fourth of the national creditors—and as they or their successors had reconciled themselves to the new order of things which had arisen, it seems more reasonable that they should

should have remained on the level of their brethren to which they had been gradually reduced and long accustomed, than that all the holders of national stock should have been raised *per saltum* to an ancient and forgotten standard. We by no means wish to postpone the interest of the lender to that of the borrower. They are invariably and indissolubly connected. But it can never be for the benefit of a creditor, by altering the standard of the debt, and by exacting the payment of the interest for a certain number of years in the new standard, to reduce the debtor to such distress, that the full payment of either principal or interest in future may become hopeless or extremely uncertain.

We cannot quit the subject without observing with that unfeigned respect which is due to the character and station of those by whom the bill was introduced, and the ability and experience of many of those by whom it was supported, that they seem to have had a very inadequate perception of the consequences of what they were doing. Impelled by extravagant feelings of honour on the one hand, and misled by abstract maxims of political economy on the other, they precipitately took a step of which no man can foretel the issue. We had always understood, that one of the last things with which a practical statesman would wish to intermeddle, was the currency; and that, if it had unfortunately been meddled with once, the next best thing to be done was, not to meddle with it again. As a new standard confessedly more or less lower than the old had been introduced, we think, on the strength of the general rule, it was incurring an unnecessary risk to endeavour to return to the old. Our apprehensions of the consequences of such a return have been greatly aggravated by the peculiar circumstances of the present case, to which we have already adverted; and they are still further confirmed by a consideration of the different ways in which the revolutionary war affected us and our continental neighbours. With them, the existing generation was thinned by the sword; and the produce of their fields, and savings of their industry, were consumed by the military exactions of a victorious enemy. Those who survived the struggle, found themselves poor, but corrected and instructed by adversity, and comparatively unembarrassed. With us it was quite otherwise. Notwithstanding the exertions we made, our country scarcely ever saw an enemy. Our fleets and armies were maintained by enormous successive loans, contracted during the suspension of cash payments, the interest of which the monopoly of manufactures and commerce enjoyed by our predecessors enabled them easily to pay; while the whole weight of the burden, principal and interest, has, with diminished resources, been entailed upon us. Whatever

Whatever weight may be due to these arguments, it seems now to be superseded by the stronger authority of experience. The act has now passed upwards of ten years, and the whole course of subsequent events has blasted the hopes indulged by its friends, and verified the fears expressed by its opponents.* Since the date of its enactment, it will be found that the seasons of depression have followed one another in unusually quick succession. They have visited other countries also no doubt, but nothing short of the most determined adherence to theoretical

* We shall transcribe, on this head, a short passage from one of the works named at the head of this article—the *Political Fragments* of Mr. Forsyth. From many of the views put forth in that singular production we wholly dissent; but the vigour and sagacity of mind displayed in it command respect. The author is unquestionably a man of extraordinary talents, of extensive observation and experience, and expresses, even where we can neither adopt his conclusions nor approve the tone of his language, opinions too largely embraced to be regarded otherwise than with serious attention:—

'The consequences were more ruinous than would have been produced by a landing of 100,000 French in arms upon our shores. Wellington, backed by British hearts, and British arms, would have driven the enemy back into the ocean, with a loss to us, no doubt, of many valuable lives, and with damage to various corn-fields; but the pecuniary damage would have been liberally paid to individuals, without imposing any serious burden on the nation; and as to the loss of lives, it is certain that no great people were ever permanently weakened by the fall of brave men in the arms of victory. Assuredly Britain was not weakened by the train of victories which ended in the battle of Waterloo, although many of the most gallant of her sons lie in those bloody fields. But the effect of the cash-payment bill was, that the paper which had previously passed for money was called in, whereby money was made scarce. Every holder of commodities found the price of them sunk from a guinea to fourteen shillings, and no market at that price. If a merchant held goods bought for 20,000*l.* he lost 7000*l.* If he could not pay his debts after such a loss, he became bankrupt, was thrown out of employment, and the benefit of his skill and experience were lost to his family and the community. If he could pay the loss, his means and credit were so far crippled, and he was reduced to distress and difficulties. Every farmer found his crop depreciated above a third, while his rent remained the same. He paid while he could, and then fell into bankruptcy. The national taxes were in effect augmented above a third. Every debtor found his debt augmented in the same proportion, while his means of payment were diminished. It was proved to a committee of the House of Commons in 1818, that in general, by debts, mortgages, provisions to children, &c. proprietors in England are in debt to the amount of half their rentals. Well, a proprietor had 3000*l.* a-year; his income, deducting all burdens, was 1500*l.*; but by this bill his rental was reduced to one-third, that is to 2000*l.* His burdens, however, of 1500*l.* remained; so he was reduced at once to 500*l.*, or even to less. He found it impossible instantly to dismiss his whole servants and reduce his establishment. The consequence was, that he speedily fell into difficulties and discredit; his debts augmented; and if his estate was not or could not instantly be sold, he was reduced to permanent embarrassment; was placed under trust, ultimately ruined, and his family degraded from their place in society. The misery—the mortification—the bitter grief and concealed wretchedness thus created in the most respectable classes of the community, were beyond calculation. After an ineffectual struggle with their fate, numbers of valuable men, of proud spirit, sunk into the grave, crushed by the most cruel of all diseases, a broken heart. On the other hand, the common people, deprived of employment and bread, sought refuge in exile, or barely existed amidst starving families. Temporary revivals of trade occurred only to terminate in a relapse into poverty."
—*Forsyth*, p. 33—37.

opinions

opinions can persuade any person of extensive observation to deny that they have fallen with redoubled severity upon us. They prevailed among the agriculturists during the whole of 1819, 1820, 1821, and 1822. They were suspended during 1823, 1824, and 1825, by the issue of bank paper and the rage for speculation, but recommenced before the year 1826; and the depression of all the great interests of the country, agricultural, manufacturing, and commercial, has continued uninterrupted ever since. It is difficult to suppose that an evil operating so steadily, widely, and powerfully, should proceed from any but corresponding causes; and we acknowledge we can see none so powerful as the restoration of the currency. Should the South American mines, by the employment of larger capital, or improved modes of working, become unusually productive, a fall in the value of gold and silver may take place, somewhat similar to what occurred on their first discovery, and by that means relief may be received from a very unexpected quarter; but this event is so uncertain, that no dependence can be placed upon it. Our persuasion is, that the reconsideration of the subject of the currency, however it may be discountenanced and delayed, will force itself ultimately upon the legislature, and on that account cannot be entertained too early. It is, indeed, our conviction, that to make any change effectual, it must be expeditious. Should the country in the present proud and expanded state of its possessions, commerce, wealth, influence, and connexions, ever begin to languish and decay, no human power will ever restore it to its pristine glory again. Placed as we now are, no palliatives will answer the purpose. Clerks and petty officers may be dismissed, partial reductions may be made in the interest of the public funds, and all sorts of small economy may be practised. Such savings, when seasonable and judicious, are much to be commended. Besides this, returns of transient and partial prosperity, it is to be hoped, will intervene to dispel the gloom; but for all this, unless the produce of the mines of gold and silver becomes trebled or quadrupled in comparison of what it has lately been, or unless the standard of the currency undergoes revision, we do not see how the distresses of the country can meet with any decided or permanent abatement.

Having said so much on the bill for the resumption of cash payments, it will not be necessary to dwell upon the numerous and prolonged debates which took place in parliament, in 1826, on the proposed withdrawment of one and two pound notes from circulation. The supporters of the bill of 1819 alleged that this was only a necessary consequence of the former measure; while its adversaries

saries insisted that it would aggravate all the evils which the former had occasioned.

'If, Sir,' said Mr. Canning, 'on the present occasion I am for withdrawing, within a limited period of time, the one-pound notes from circulation, it is not from the mere love of theory, but because I have seen it practically proved, in the experience of years which have elapsed since the Bullion Committee sat, that the circulation of the small notes cannot coexist with a metallic currency;—that it would have no considerable practical effect, and would produce no material derangement in any of the great interests of the country; and that the apprehensions of some persons, that the withdrawment of one and two pound notes would *cramp circulation and lower produce*, were of the most visionary kind.'*

Mr. Attwood, whose speech was perhaps the ablest of all those delivered in opposition to the measure, contended, that

'the plain solution of these difficulties, and of all the distress of the country, was, in fact, no other than this—that the government was engaged in attempts to fix upon the country a standard of value different from that in which its debts, and taxes, and engagements of all kinds, public and private, had been formed.'† And in conclusion, 'urged the House most earnestly, and his Majesty's ministers more particularly, to pause in the measures they were pursuing. *Greater interests depended on those measures than they dreamed of, and weightier events would follow them.* In every step which they took, the ground before and around was beset with dangers, of the character and nature of which they had shown an entire ignorance. He urged them to call to mind, that whole series of errors which had characterised every measure parliament had hitherto taken on this subject, and the calamities all but fatal which had followed them; from that first and portentous law of the year 1797, adopted by parliament in utter ignorance of its character, without being accompanied with any one measure calculated to provide against the evils obviously calculated to flow from it, down to these present measures, which, in equal ignorance of their character, were now proposed to parliament. What spectacle had they exhibited to the country in 1819, when, passing that law, they had talked of a fall of prices of three or four per cent., and of difficulties only to be smiled at, and of setting that question at rest for ever; and had boasted of the unanimity of a vote, by which, amidst disorder approaching to tumult, and violence unbecoming the character of a grave and deliberative assembly, they then adopted a law which had put at hazard the safety of the government, and had shaken the security of the empire to its base. He desired his Majesty's ministers to look back to those declarations, which, so recently as the latter part of the last session,

* Hansard's Parliamentary Debates, New Series, vol. xiv. p. 178 and 322.
† Ibid. p. 305.

they had made in a body, without necessity;—that under no circumstances of misfortune or distress, which it was possible to conceive, would they ever again consent to the restriction of cash payments at the Bank. He now desired them to call to mind those declarations, and asked them, how long those solemn declarations were held firm? would they now repeat them? If the recollection of all the errors, dangers and sufferings, which had distinguished all their measures on this subject, did not infuse caution at least into his Majesty's ministers, though it might fail to give them wisdom, there remained no hope for the country while its interests were in their hands. The plain and undeniable explanation of their situation, he repeated, was this:—They had relieved the distress of 1822 by forcing notes into the circulation; in 1825, Mr. Peel's bill drove these notes back upon the issues. The increased amount of every description of paper money, which had followed the increased issues of the Bank, were of necessity to be drawn back also, when the notes of the Bank on which they were founded were withdrawn. The demand on the Bank for gold and reduction of its paper commenced in 1824. Early in 1825 the work of reduction commenced. Pecuniary embarrassments immediately followed, and kept pace with the reduction of the issues of the Bank, till, in December, the failure of the London, and then of the country bankers, produced the panic. How had it been stopped? By issuing again an increased amount of Bank of England notes. But that issue could not be permanently maintained. It was incompatible with Mr. Peel's bill. Here now as formerly lay the source of their embarrassments. High prices and an abundant circulation were necessary; but neither could exist permanently in conjunction with the low price of gold, which this bill attempted to fix. This was the source of all their difficulties; and all measures of relief founded on other views, as would those which were now proposed, would lead them only to evils more complicated and to greater dangers*.'

Whether this enactment of 1826 has added to the present distresses of the country, and whether even now it be practicable to exclude one and two pounds from circulation, after the public had been so much accustomed to them, are problems which we shall not attempt to settle. There are, however, some circumstances connected with its introduction which rather move suspicion as to its wisdom.

It has been confidently alleged, that the amount of one and two pound notes outstanding on the 5th of April, 1829, when the circulation of them ceased, reached two (if not three) times the sum at which they had been calculated by the authors and approvers of the enactment of 1826. If this be true, it diminishes *pro tanto* the confidence which might have been reposed in the judgment and knowledge of those who proposed that measure. The invec-

* Hansard's Parliamentary Debates, New Series, vol. xiv. p. 314.

tives,

tives, too, which were directed in parliament by some members of the government against country bankers, at this time, would seem to have been unjustifiably vehement and indiscriminate. Besides this, the bill was brought forward at a season when popular clamour, which on this occasion was more than usually unreasonable, precluded all chance of full and fair inquiry on the subject. Very little reflection will be sufficient to show, that the bankers who issued small notes, were neither the authors nor chief promoters of the calamity which then overtook the country—that it is more surprising to see how many of them withstood than how many yielded to the shock—and that the dividends paid by the whole body of those who stopped, may be most advantageously contrasted with the sums recovered from the same number of merchants or traders reduced, at or about the same period, to similar circumstances. We have not the smallest inclination to conceal or palliate the fraud and imprudence which some of them committed; but notions were then vented, respecting country bankers and banking in general, of the wildest and most visionary nature. Some proposed that no private bankers should be allowed to issue notes at all; others imagined that bankers could put any quantity of paper into circulation, at their own will and pleasure; and it was very generally suggested, that bankers ought to have stock standing in their names to the full amount of the notes they issued. To the last proposal we confess ourselves extremely hostile. There would be no end to the flood of legislation and discussion it would let in; and besides this, it would add largely to the influence of the Government, by permitting it to interfere further (which it already does too much) in matters which it neither can nor ought to manage. The legislature ought to afford full opportunity to all the King's subjects to adopt the best mode of forming banks and conducting banking (which implies an important change as to the law of partnership), and to take care that no notes are issued but such as are payable in cash on demand; but beyond this neither ministers nor parliament ought to interfere. The rest must be done by the people themselves; whatever else is attempted by their rulers will soon be felt to be inconvenient instead of useful.

The truth is, whatever may be wished or expected, the advantages of a paper currency cannot be enjoyed without its disadvantages; and its greatest disadvantage is, that it is subject to shocks and panics from which a metallic currency is exempt. The more prevalent the use of paper becomes, whether in the shape of bank notes or of bills, it is to be expected that these alarms will become more frequent and injurious. But, trying as these emergencies are, it is possible that the danger arising from the extreme restriction of paper may be still greater. While the

supply of gold and silver from the American mines has been reduced to a third or fourth of what it was, the commercial transactions of Europe, and particularly of this country, have augmented in a counter-proportion. If in these circumstances paper money were not to be resorted to, prices would fall, until trade was either stopped altogether, or a convulsion ensued as violent as any which the most extravagant issue of paper money could occasion. We believe, then, the free use of paper money at present to be not only unavoidable,* but incalculably beneficial. At the same time, we must take the evil with the good. Paper currency allows a facility for speculation which a metallic currency does not; and when, from the folly of traders themselves, or an unforeseen change of markets, a crash comes, we ought not to be lost in amazement, as if such things were out of the chapter. Whenever such a crisis does occur, the safest course which Government can pursue, is to say and do as little as they can. Some assistance, perhaps, they may be obliged to afford, though it should be sparingly and reluctantly; but they should abstain from every word or deed which can increase the agitation. In the mean while, combinations among persons of wealth and influence will be soon formed in town and country; the good sense of the public will return; and things will gradually revert to their former channels, in which, so long as is practicable, every prudent statesman will desire to keep them. If he attempts more than this, he engages in an undertaking which it requires little short of absolute power and absolute wisdom to accomplish.

We now proceed from the finance to the commerce of the country, or to that plan of policy which, inaccurately and unjustly, has been denominated the 'Free Trade System.' Whatever the merit or demerit of it may be, neither the one nor the other can be wholly ascribed to Mr. Huskisson, and those gentlemen with whom his name has been usually associated. On turning to the speeches of Mr. (now Lord) Wallace, when president of the Board of Trade in 1820 and 1821,† it will be perceived that the state of our foreign trade, and the difficulties under which it was then labouring, had fully engaged the attention of the Government; and various measures were afterwards introduced by that able and conscientious minister to parliament, in order to alleviate or remove them. When Mr. Huskisson succeeded to the presidency of the Board of Trade in 1823, he and his coadjutors only forwarded the execution of resolutions which had already received the sanction of Lord Liverpool's cabinet. The most important of the alterations, however, made in our maritime and commercial code, un-

* It is an undeniable fact, that at present, masters are paying their workmen, almost exclusively, in many manufacturing districts, not in money but in *goods*.

† Hansard's Parliamentary Debates, vol. ii., p. 545; and vol. iv., p. 425, New Series.

doubtedly

doubtedly took place under Mr. Huskisson's superintendence; and for the nature of those alterations, and the extent to which they have been carried, he has been made the object of greater eulogy and vituperation than almost any public character of his time. As we differ in some respects from both the eulogists and the vituperators, we shall endeavour very briefly to explain in what that difference consists.

First of all, it seems to us that the Government were a great deal more sanguine than they ought to have been, with respect to the success of the new system of policy upon which they were entering. It undoubtedly was difficult for any person to keep his mind entirely uninfluenced by the appearances which he saw around him. But it has always been supposed to be the peculiar province of those who act under the responsibility of ministers of the crown, and with the intelligence and information they are presumed to possess, to correct, instead of flattering the delusions or extravagant expectations of the public. So far from taking any precaution of this sort, Mr. Robinson, then Chancellor of the Exchequer, in the spring of the fatal year 1825 thus opened his official *conspectus* of the financial and commercial situation of the country:—

'Although I cannot forbear to congratulate the House upon the auspicious circumstances under which we are called upon to review the state of our finances, I can truly say that I do not do so for the mere purpose of making a flourish, nor with any desire to induce the country to indulge in an unreasonable exultation as to the present, or an extravagant anticipation as to the future. But although I have no such object in view, and although there may be in this country, and unquestionably are in other countries, persons who, either jealous of the eminence of our station, or ignorant of the causes which have placed us there, may represent our present prosperity as the forerunner of our ruin, and may represent us as having merely hastened

——————————— numerosa parare
Excelsæ turris tabulata, unde altior esset
Casus, et impulsæ præceps immane ruinæ;

I nevertheless am of opinion, that if, upon a fair review of our situation, there shall appear to be nothing hollow in its foundations, artificial in its superstructure, or flimsy in its general result, we may safely venture to contemplate, with instructive admiration, the harmony of its proportions, and the solidity of its basis. I say, Sir, with instructive admiration, because I am satisfied that no one can calmly and philosophically consider it, without having pourtrayed before him, in the most legible characters, the course of policy which it is our duty to pursue, if we wish to consolidate our own resources, and to promote the general happiness of mankind.'*

* Hansard's Parliamentary Debates, New Series, vol. xii., p. 720.

It

It is true that the words of Lord Goderich relate to the general commercial prosperity of the country, and that it may be difficult to ascertain how much of this he attributed to the system lately introduced. We desire to put no construction on the language used by that accomplished and benevolent person—or on much more to the same effect which might be selected from the parliamentary proceedings of the time—than the actual words will fairly warrant. The then finance minister's language, however, refers indubitably to the whole state of our manufactures and commerce as relieved and ameliorated by the regulations recently sanctioned by the legislature, and, *pro tanto*, betrays the exaggerated expectations entertained on these subjects, at that time, in the highest quarters. Instead of exhibiting the keen and wary circumspection, supposed to be characteristic of statesmen, it would appear, from Mr. Robinson's whole strain, that a considerable portion of the cabinet were as ignorant of the catastrophe that was approaching as any of the speculators who were moving around them; and in the moment of exultation at evanescent success, indulged in declarations which are not creditable to their own fame, and which both then and since have proved detrimental to the country.

Another point in which we suspect, rather than know, the supporters of what is called free trade to have erred, is, in reducing the protection given to British manufactures somewhat lower than it ought to have been. By far the most effectual and desirable relief our manufacturers could receive, would be such a reduction of taxes as might enable them to compete with foreigners, without either prohibition or protecting duty. But as this presupposes such an adjustment as would reduce the national debt, until that reduction actually takes place, any proposal of this sort is entirely out of the question. Another course, which it would certainly be possible to pursue, and which has sometimes been inconsiderately recommended, would be, to grant such a protection to our own manufacturers as might be deemed expedient, and to assure them, once for all, that no other would be given, whether their several callings should flourish or become extinguished. No such preposterous project, we are certain, was ever contemplated by those who framed and introduced the late alterations in our commercial system. One of their objects undoubtedly was, to reduce the protecting duties as low as possible, in order both to benefit the consumer and discourage smuggling; but another equally important was, not to reduce them below such rates as should be consistent with the permanence and prosperity of our own actual existing manufactures. The difficulty of reaching both these ends at the same time is almost inconceivable. The minister who attempts it is perpetually sailing between Scylla and Charybdis.

rybdis. To reconcile the two may become—and for any thing we know, may in this country, to a certain extent, be unattainable. Those who introduced the new system, however, spoke as if they did not think it was, and contended that their reductions of the protecting duty were never pushed beyond what was consistent with the home manufacturer's prosperity. We doubt whether they have not sometimes unconsciously exceeded this limit, and among others in that of the silk trade, which, both on account of the number of persons and amount of capital employed, next to the cotton and woollen trade, has become the most important in the kingdom.

The duty fixed upon as payable on foreign silk, in order to protect our own manufacturers, was 30 per cent., which most of those connected with the trade strenuously insisted would prove utterly inadequate. It was urged, on the other hand, by government, that the excessive protection which this manufacture had received was the real cause of its inferiority; that 30 per cent. was perfectly sufficient; and that certain French houses were so satisfied that it could be successfully carried on here under that protection, that they were preparing to settle among us, and introduce the latest improvements of their countrymen. A great French house accordingly came over, set up an establishment, and brought goods into the market which the home manufacturers alleged to be smuggled, but which they maintained to have been *bonâ fide* manufactured in England. The manufacturers here were desired to select twelve pieces, which they presumed to be smuggled. This was done, and the French house certainly appeared at the time satisfactorily to disprove the charges brought against them. As their former establishment at Lyons was continued, they became objects of jealousy to their own countrymen as well as to ours. The new establishment has since been completely broken up in consequence, and doubts are still entertained whether the goods selected were really smuggled or not. However that may be, the silk trade has continued exceedingly depressed ever since, and a letter to Mr. Canning was published in 1826, in which the question on behalf of the English manufacturer is stated with so much ability, that we shall now quote some of the most important of its statements.

'It is not the principle of free trade which I have the most distant intention of controverting with you. The practical question is, as every person of any reflection knows, how can the principle of free trade be introduced *gradually and safely* into the silk manufacture? It would be insane to imagine, that the contingent advantages of free trade can be equivalent for the misery of half a million of our fellow subjects. The essence of the practical question, as you are well aware, resolves itself into a calculation of the comparative means and advantages

advantages of the English and foreign trader, in the manufacture of the commodity in question. How then does this comparison stand?

'Statements — detailed and minute statements—have been laid before the Board of Trade, of the charges incident to the silk manufacture in every stage of it in England and in other countries. The comparison has been reduced to figures, item by item. The result of their relative statements is, that there is a superiority on the side of the foreign manufacturer over our own, to the extent of not less than from 43 to 46 per cent. at Lyons, and not less than from 56 to 59 at Zurich, on plain silk goods, and not less than from 60 to 100 per cent. on fabrics of taste and fancy.

'If, under this inequality of things, the trade be opened, some time may pass, perhaps a year or two, before the foreign supplies can take full possession of the English market. But as the weaker party cannot keep up a losing contest with the stronger, the just calculation is, that, in a very short period of time, the effect of this measure will be, to establish a complete monopoly in the hands of the foreigner. Your *free trade* will then be at Lyons, at Zurich, at Crevelt, or in Piedmont—any where but in Spitalfields, Coventry, or Macclesfield. Your protestant refugees, who brought this trade with them to England, in return for your reception of them into the bosom of your country, will find the revocation of your late protecting laws to be their sentence of exile, driving them and it from your shores to some other and safer asylum.

'It is possible for the most enlightened man to fall into great mistakes in arrangements of this kind. There is far less of eclat in studying how to reconcile the claims of existing interests with the enlarged views of a liberal policy, than in opening those views to the public eye, and recommending them to public admiration. The consequence is, that the soundest general ideas, for want of the corrections of practical knowledge, often turn out in effect to be only schemes of disarrangement and national evil. The eloquent and dignified statesman cannot condescend to enter the workshop or the home of the manual labourer, whilst he legislates upon his trade and his bread with all the confidence and security inspired by correct theoretical doctrines. But let the liberal statesman beware. Nothing can eventually discredit his superior policy so much, as grave mistakes committed in its application.'*

Where the truth really lies between the two contending parties has perhaps not yet been sufficiently established; but from the comprehensive views and conscious acquaintance with every branch of the subject, evinced by the writer of this letter, we suspect it will not be easy to drive him from the ground he has taken. It is one of the greatest misfortunes to which we are subjected in the present times, that the servants of the crown are so often shifted from office to office, and some of them

*. The Question of the Silk Trade stated, in a Letter to the Right Hon. G. Canning. London. 1826. 4to.

labour

labour with so little diligence while there, that they rarely become thorough masters of the details indispensably requisite to the right discharge of their duty. A prompter is as ill-placed in the cabinet as Marius supposes him to have been in the field. He never can supply that knowledge which the principal ought personally to possess, and the principal who relies upon it, will find himself perpetually the victim either of misconception or misinformation.

'Quæso reputate cum animis vestris, num id mutare melius sit, siquem ex illo globo nobilitatis ad hoc aut aliud tale negotium mittatis, hominem veteris prosapiæ ac multarum imaginum et nullius stipendii: scilicet ut in tanta re, ignarus omnium, *trepidet, festinet, sumat aliquem ex populo monitorem officii.* Ita plerumque evenit, ut quem vos imperare jussistis, is imperatorem alium quærat.'

In one other respect, the friends of the new scheme appear to us to have certainly overshot the proper mark—we mean, in conceding commercial benefits to those countries who refuse to grant us corresponding benefits in return. There can be no better exposition of Mr. Huskisson's views on this point than that given by himself in the House of Commons in 1825—

'I expect,' he said, 'to be told as a general objection to the course which I now recommend—indeed, I have been already told, in the correspondence which I have felt it right to hold with some of our most intelligent and accomplished merchants, before I brought it before this Committee—that in 1786, we had ensured from France by treaty a reciprocity of commercial advantages, but that at present we have made no such arrangement. This objection, I admit, in one respect, deserves consideration—I mean, in its relation to the foreign market. With respect to the danger of our being undersold in our own market, it does not hold at all. Now, in respect to our deferring any improvement in our own commercial system until we can persuade foreign states to view it as a concession to them, which we are ready to make in return for similar concessions on their part, I cannot, I own, discover much wisdom in such a line of policy.' Mr. Huskisson then read a letter addressed to him by Mr. Kirkman Finlay, *on the advantages of sound commercial intercourse*, in the last sentence of which Mr. Finlay observes, 'Now, if the measures be really beneficial to us, why should we withhold from ourselves an advantage, because other states are not advanced so far as we are in the knowledge of their own interests, or have not attained the power of carrying their own views into practice?' Mr. Huskisson then adds, 'In the last sentence of this letter, the writer has, I believe, stated the real grounds which may still for some time prevent foreign states from following our example, namely *their ignorance of their own true interests, or their incompetence to carry their own views into effect.* But let my Right Honourable Friend, the Chancellor of the Exchequer, continue his good practice of coming down to the House, session after session, to accumulate fresh proofs, that the removal of restrictive impositions and excessive duties is not diminution, but frequently

frequently increase of revenue—let foreign countries see him year after year (and I hope he will be able to do so), LARGELY REMITTING PUBLIC BURDENS, and AT THE SAME TIME EXHIBITING A PROSPEROUS EXCHEQUER, STILL FLOWING TO THE SAME PERENNIAL LEVEL; and I have no doubt, when the governments of the continent shall have contemplated, for a few years longer, the happy consequences of the system on which we are now proceeding, that their eyes will be opened: they will then believe—but at present they do not—that we are sincere and consistent in our principles; and, for their own advantage, they will then imitate us in our present course, as they have of late been adopting our cast-off system of restrictions and prohibitions.' *

It is from no hostility to Mr. Huskisson that these words are quoted from a speech, wherein, in the warmth of discussion, he may have been betrayed into stronger language than he would have used in his cooler moments. We have a very high respect for his talents, and nobody but an idiot can suspect him of improper motives; but we transcribe his words, because the views of policy there exhibited, and which have been so assiduously propagated by political economists, and all who lay claim to more than usual liberality, have not yet been sufficiently modified by the instruction which additional experience has afforded. The sect of political arithmeticians, of late in vogue, prefer any explanation of a fact which does not coincide with their preconceived opinions, to that which is most simple and obvious, and insist upon mankind conforming to their rules, instead of conforming their rules to the actual state and circumstances of mankind. It is no doubt true, that the world would be far more happy and prosperous, if all nations could be persuaded to embrace the policy which these gentlemen pointed out, and which both Lord Wallace and Mr. Huskisson appear to have somewhat too largely adopted. One country would then exchange the productions in which, from its climate, soil, and situation, it most abounded, or a few staple manufactures which had taken root in it, for the productions and manufactures of other countries of which it stood in need. This is the natural order of things; and if it had been followed, we should not see those strange and painful restraints upon beneficial intercourse which we now do. But it has been forgotten, that mankind, both as individuals and nations, are not reasoning beings only. They are also powerfully influenced by custom, fashion, prejudice, passion, and partiality, through which they either mistake their interest or disregard it. The few years that have elapsed since the relaxation in our commercial system took place, shows that the whole of the most intelligent and industrious states, both of the old and new world, are only clinging more closely to the

* Hansard's Parliamentary Debates, vol. xii. p. 1211.

system

system of restriction, which it seems to have been taken for granted they were so soon to abandon.

It is impossible not to lament the prevalence of so confined a policy. Instead of promoting agriculture, and the simple arts connected with it, which, in the lapse of years, will be found the richest and most perennial source of national greatness, most states have turned their chief attention to the encouragement of trade and manufactures, and each is endeavouring to draw a line of circumvallation round its own borders, that it may always be ready to sell, and never be obliged to buy. It cannot be disguised, that this current of events is as unfavourable to liberty as it is to commerce. The subjects of small states, however mildly and intelligently governed, find themselves so circumscribed and vexed, that it is their obvious interest to be incorporated with a first-rate power, while such powers are at the same time offered every temptation and facility to swallow up their feebler neighbours. But what, in the mean while, is it possible to do? The most liberal and enlightened statesman that was ever advanced to the helm of affairs in any country, can only deal with other countries as they are willing to deal with him. If he lavishes concessions and relaxations on his neighbours and rivals without treaty or arrangement, in expectation of meeting with corresponding generosity from them at some future period, we run little risk in predicting that he will infallibly be disappointed.

We are inclined to suspect, therefore, though with unfeigned respect and diffidence, that the official disciples of certain fashionable economists may have, in some instances, gone both too fast and too far. But while we make this avowal on the one hand, we are bound to acknowledge, on the other, that the actual effects of the alterations lately introduced into our commercial policy have, in no ordinary degree, been misunderstood and misrepresented. When people are struggling with accumulated difficulties, without seeing either whence they come or where they are to terminate, they are easily induced to ascribe them to a cause which falls in with their own prejudices and prepossessions. One of the most universal of these is, a jealousy of foreigners; and it has been loudly proclaimed, that the advantages which this new system gives to foreigners have enabled them to supplant English industry and manufactures, which sprung up and prospered under the prohibitions and duties imposed or continued during the war. We may venture to assure those who hold this language, that they never were more grievously mistaken. It never ought to be forgotten, that down to the very conclusion of the war, the abortive commercial policy of Buonaparte, and the success of our fleets and armies, gave us a monopoly in commerce, manufactures, and shipping,

shipping, which, for its lucrativeness and extent, is without a parallel. This necessarily ended with the battle of Waterloo; and no rational being can expect, that any efforts made, or policy pursued by us, will ever bring it back to us again in a state of general peace. Had we been totally independent of foreign trade, there seems no reason to suppose that our duties and prohibitions might not have even then been continued. But if the promotion of intercourse with foreign nations continued to be, as it certainly was and is, a great national object, then the reduction of our duties and prohibitions to the lowest practicable extent became imperatively necessary. There must be two parties to every bargain; and upon what pretence were we to demand, that the nations of the continent, restored to peaceful industry, should continue to deal with us exactly as they had been used to do, when the most terrible struggle that the modern world has witnessed was exhausting all their resources, and compelled them to submit to the mercantile and maritime monopoly of Britain? To try to keep duties up to their former level, under such circumstances, would have been tenfold more prejudicial to our commerce than all the evils which have ever been supposed to be consequent on their reduction. Nothing but the gravest errors, both in opinion and practice, can result from dwelling upon a state of things which no longer exists, to the neglect of that in which we are now living. The improvement and introduction of machinery which is taking place in Europe, America, and India, (to which we lately called the attention of our readers,) and the fresh efforts made by the governments of Russia, Prussia, Holland, and France, to promote the advancement of their respective subjects, afford the most significant admonitions that no means for preserving our station ought to be neglected. To place ourselves as nearly as possible on the footing of our neighbours appears to us to have been wise in principle, and, generally speaking, unexceptionable in execution. We believe a conviction is now beginning to gain ground among all classes in the country, that we have little prospect of returning to a sound and healthy state until such a diminution of our burdens shall take place as will enable us to approach them still more nearly; and that some just and efficacious measures for that purpose will, before long, force themselves upon parliament, if parliament is prepared to do its duty.

In what manner that duty is now performed, is a question which deeply concerns both parliament and the public. We hardly know how to communicate the sentiments we feel, candidly and distinctly, and at the same time without giving just cause for complaint or dissatisfaction. We cannot refrain, however, at the outset, from intimating it as our firm persuasion, that whoever listens attentively

tively to the tone and language which is now heard in the unrestrained intercourse of the higher as well as lower classes of society, will be constrained to admit, that the resolutions and proceedings of the legislature, and especially of the House of Commons, no longer command that respect and submission with which they were wont to be regarded. So long as the representatives of a free people, in whatever manner they may be selected, continue to discharge their duty with wisdom and firmness, no class of men can be named who receive a larger share of the love and veneration of their countrymen; but there is none whose dereliction of duty is visited with more mortifying alienation and neglect. When a popular body begins to degenerate, it affects to deprecate all injudicious harshness and austerity, when the end can be equally attained by being more measured both in their language and resolutions. The people perceive the change, and after a while an evident abatement ensues of the expectations which are formed of their deliberations. After this, they become so idle or inattentive, that they suffer the business which comes before them to pass too much as a matter of course; and this, in its turn, causes their proceedings to be treated with carelessness, and sometimes with disrespect. In the last stage of decay they serve merely as a pageant, and are despised, as only serving to register the decrees of the executive government, which they have neither the virtue to modify nor to resist. It is because we feel so ardent a desire that the House of Commons should never enter upon this inauspicious and precipitous descent, that we have prevailed upon ourselves to touch on such a topic. We know that there are many persons, of the highest worth and character, by whom the existence of any such danger is considered as perfectly chimerical. We cannot say we feel altogether so secure; and as the point is of such paramount importance both to the House of Commons and the body whom it represents, it may not be thought wholly superfluous to inquire whether it really be so certain that this branch of the legislature possesses the character which it once did, either for ability, attention to business, or independence.

That a proportion of that assembly now consists of gentlemen of great capacity and acquirements, there can be no dispute. Neither is it assumed that the House of Commons was, at any former period, composed wholly or principally of persons of extraordinary endowments, any more than in the present day. But whether it be that the House has sunk, or that the well-educated part of the community has risen, it would be difficult to maintain that, as a body, they now constitute the choice of the Commons of the realm in the same sense in which they did some time ago. Let any person listen to their ordinary conversation or reasoning,

or sit down to the perusal of the thoughts they may have committed to writing, and they are not only found inferior to many private individuals among their contemporaries, but one seldom recognises the grasp of mind and statesmanlike qualities which the representatives of a free and enlightened country might be expected to possess.

Compared in their legislative capacity, the difference between the House of Lords and the House of Commons is remarkable. Whether the lower House be now too numerous for a deliberative assembly, or whether it be that the mere love of debating has absorbed the desire of any other excellence, or from the different manners and habits contracted by the members of the two houses, we do not pretend to determine; but, as an assembly in which great state questions are discussed, the House of Lords appears to us for some time past to have displayed a decided superiority. In proof of this, we might refer to any of the debates on the subjects which the events of the last few years have produced:—to those, for example, on the Congress at Verona—the march of the French troops into Spain—the treatment of missionary Smith—the expedition to Portugal in the end of 1826, and, above all, to the debate which took place last year on the Catholic Question. In all of these, the gravity, precision, and judgment with which political questions were brought forward by the Government and discussed by the assembled peers, appeared to us to show that the House of Lords had better preserved the character of a deliberative assembly than the House of Commons.

Another quality in which the members of the lower House are thought lately to have somewhat declined, is efficiency;—by which we mean the real examination, discussion, and settlement of those affairs which the state of the country requires to be brought before it. Whether this be originally the fault of the House, or of the neglect or hurry of the Government, by whom the necessary measures ought to be proposed, can make no difference. The main purpose of the House of Commons is to see that the business of the nation be done, and its grievances redressed; and if, year after year, they assemble and separate without seeing this accomplished, their efficiency must, for all useful purposes, be regarded as diminished. The duty of members of parliament has, indeed, become so severe, that no man who is actively embarked in a profession, and few men of property who choose to attend to their own affairs, will voluntarily undertake it. The number and length of the sittings of their committees is beyond all example; and they collect, print, and circulate masses of matter, in the shape of reports, which set all possibility of perusal and comprehension at defiance. A few of them, which affect private characters

characters or party feelings, resound in the public ear for a time, but their fury is soon spent, and they sink into oblivion for ever. All real business is drowned in debates and reports. It is astonishing, at the end of a session, to see how much has been said, and yet how little material business has been transacted. Part of this evil must be ascribed to the state of society in our overgrown and most voluptuous metropolis, but a much larger portion to the members themselves. If those who take the chief share in the management of public affairs were to adopt a totally different line of conduct—if they, on all occasions, showed themselves more intent on what was done than the manner of doing it, the business of the country would be dispatched better, and at the same time with more real wisdom and eloquence.

That point, however, in which the members of the House of Commons have sometimes been thought to be most deficient, is their want of independence. Though less open to direct improper influence than formerly, there is too much reason to surmise that they do not speak and vote sufficiently according to their real sentiments. Where bodies of men are obliged to act together, concession, to a certain degree, is indispensably necessary. If every member were to be always governed by his own views and opinions, no party or administration could act with vigour or consistency, and the government itself would soon become powerless and contemptible. But there are limits which every honest man is bound to set to this sort of compliance; and here, we are afraid, is one of the duties at present most frequently neglected by members of parliament. It is not easy to resist the torrent. Let a man of the soundest head and heart find his way now into the House, and he will soon find himself so entangled and perplexed that he hardly knows how to do justice to himself or service to his country. He must have a party and a press. The multitude of applications which almost every member receives from his constituents, compels him, whether attached to administration or not, to receive favours of one kind or other from almost every department of the Government. The dread of singularity, which is so apt to grow upon every man, will make him more cautious, and his public or private intercourse will become daily more and more extended with those whose characters are most deeply implicated in every question which is brought before the House. All these things, in the breast of a person of delicate feeling, restrain the just and legitimate freedom of thought and language beyond what can easily be imagined. Besides, there is something in the very atmosphere of the House unfavourable to bold and uncompromising conduct. It is, *de facto*, a sort of overgrown club. This is the worst part of the whole business.

Things

Things are every day admitted in private among the members, which are studiously denied or concealed in the speeches reported from the gallery. Whoever, therefore, should endeavour to rend asunder that veil which, by all parties in the House, is held up before the public, would lose his character and caste. He would be treated with coldness by those to whom he wished most to approximate, while he might feel insuperable repugnance to unite with those who were most willing to receive him. A loss of independence more painful to the individual, or injurious to the commonwealth, than this, cannot well be pictured. It amounts to a surrender of the noblest privileges, and chokes the source of the fairest virtues, which distinguish and adorn the citizen of a free country.

'Sed mihi multa legenti, multa audienti,' observes a witness whose testimony none will reject, 'quæ populus Romanus domi militiæque, mari atque terra, præclara facinora fecit, forte lubuit attendere, quæ res maxume tanta negotia sustinuisset. Sciebam sæpenumero, parvâ manu cum magnis legionibus hostium contendisse; cognovi parvis copiis bella gesta cum opulentis regibus: ad hoc sæpe fortunæ violentiam toleravisse: facundiâ Græcos, gloriâ belli Gallos ante Romanos fuisse. Ac mihi multa agitanti constabat, paucorum civium egregiam virtutem cuncta patravisse; eoque factum, uti divitias paupertas, multitudinem paucitas superaret. Sed *postquam luxu atque desidia civitas corrupta est, rursus civitas magnitudine sua imperatorum atque magistratuum vitia sustentabat;* ac veluti effœta parentum, multis tempestatibus haud sane quisquam Romæ virtute magnus fuit.'—*Sallust, Cat.*, c. 53.

Were many of these elder Romans now among us, the versatility of the House of Commons would not be so rapid and remarkable as we sometimes find it. It too often happens that the public measure connects itself, at some link or other, with the private job. It is the indulgence of a grovelling and selfish spirit by their representatives, which has at last, in so many instances, made the subjects of free states weary of their representatives, and take refuge in an absolute monarchy, as both more vigorous and more virtuous; and thus says Montesquieu in treating of England—

'Comme toutes les choses ont une fin, l'état dont nous parlons perdra sa liberté et périra. Rome, Lacédémone, Carthage ont bien péri. Il périra, lorsque la puissance législative sera *plus corrompue que l'exécutive.*'*

Such are the remarkable words of this almost oracular prediction. The man by whom it was delivered, with all his defects of manner, toiled more, and made greater sacrifices to collect and arrange

* Montesquieu, Esprit des Loix, liv. ii., c. 6.

his

his information, than any other of his age and station, and a declaration so clear and precise deserves well to be pondered over. We hope we shall long have time and opportunity to reflect and reason upon it; but some votes recently given have tended too much to revive the recollection of its consummation. It is painful to see how little confidence is at present reposed in any public man except the Duke of Wellington. All eyes are now turned to him, as almost the sole arbiter of the destinies of every class and interest in the country. Until now

> 'When went there by an age since the great flood,
> But it was famed with more than with one man?'

And the circumstance affords ample opportunity for moralising on the loss of influence which the House of Commons surely must have sustained before this could come to pass, and the effort that ought to be made for its recovery.

We neither are nor ever were friendly to parliamentary reform, in the sense in which that word is generally understood; but we cannot help thinking there are two alterations by which the character of members of parliament would be essentially benefited. One of them is, by raising the elective franchise, and the other by diminishing the chargeableness of elections. Whatever good effects the possession of the elective franchise may have formerly had upon forty shilling freeholders and those paying scot and lot, it would be difficult to point out any which it has at present. If the elective franchise, here in England, were considerably raised, it would bring its value much nearer to what it originally was; and place elections in the hands of intelligent, independent men, which the tumultuous elections, that now take place in all the populous towns, effectually prevent. In Scotland, on the other hand, the elective franchise might advantageously be diminished, and the popular part of the constitution would be thereby strengthened and improved. The effect of all this, we conceive, would be, to make electors attend more to the qualification of candidates, and to diminish the influence of caprice and popularity, to which representatives are so much subject,—which circumstances would be as favourable to the purity of constituents, as the diminution of the expense of elections would be to the independence of their representatives.

Whoever has seen a keenly contested election, must have felt it for the moment to be one of the most animated and exhilarating scenes which can be witnessed in a free country. Its subsequent effects are often equally deplorable upon the electors and the candidates. Among the electors and their connections it produces a frightful degree of idleness, drunkenness, dissipation, and irregularity of every sort. The effect upon the candidates is scarcely less baneful. One of the surest ways of making and keeping

a representative independent in his conduct, is to keep him independent in his circumstances. When the heat of the moment has evaporated, a member too often, at present, finds himself involved in expense, which he could neither foresee nor calculate, and for which no honour or credit he may obtain by his services can prove a sufficient compensation. There is no work, therefore, which would better befit the House of Commons, than seriously to set about the reduction of the cost of elections, both in towns and shires. In large counties it is perfectly intolerable, and secures a monopoly of the representation in the hands of a few of the wealthiest families, whether they deserve it or not, either from their character, conduct, or opinions. In proof of this, it is said, that at the last general election for Yorkshire, Mr. Bethell and his supporters were willing to have advanced a sum of twenty or thirty thousand pounds on the contest, but it was found that this enormous fund was utterly inadequate for the purpose, although that gentleman was almost unanimously allowed to have been the fittest of all the candidates for the representation. The present Solicitor-General, on being re-elected for Weymouth, after receiving his appointment, told the electors, on being insulted by the rabble for not discharging certain claims brought before his committee, with a degree of courage infinitely to his honour, that the costs of the election had already amounted to no less than six thousand pounds, which he had earned hardly by his professional exertions; that, in justice to his family, he could not advance more; and that if they persevered in such a system of extravagance and extortion, no honest or independent man either would or could come forward as a candidate for their suffrages. There are no bounds to the sums which the excesses of electors, and the folly or the fraud of those who have the management of elections, now extort from candidates; and whoever can devise a plan for diminishing their riotousness and expense, will do more to restore the purity and freedom of elections, and to raise the character of the House of Commons, than any person who, for the last half century, has risen up among us.

Under other circumstances, we could have looked at passing events, and formed our own opinion, and been silent. But at such a season as this, we should have regarded it as a dereliction of duty towards that public by which we have been encouraged and supported, if we had refrained from intreating them diligently to watch the events which are taking place around them. We are not ignorant that many of those who live solely on the interest of money, or receive salaries from the public purse, lend no ear to the correctness of the representations now given. They admit that there exists a considerable degree of distress and stagnation, but assert that this is merely one of the ordinary visitations which recur at uncertain,

certain, but periodical, intervals; that the *clouds* which have for some time overspread our horizon will gradually disappear, and brightness and serenity will then return. A very few years will determine how far this view of our situation is to be trusted. For our own part, all the facts which come within our observation and knowledge tend to a different conclusion. We cannot view the country as in any ordinary condition, or one which is to be mended by any ordinary means. Let any one look at the address of the King of Holland to the states of his kingdom, on the opening of the session in October last,—the address of the King of Sweden on his late recovery,—the silent, but efficient, progress of the King of Prussia,—and the ambition and activity of the Emperor of Russia,—the policy of the United States of America, followed even by the infant republics of Mexico and Colombia,—and they will all be found drawing closer and closer the restrictive system. From this let us turn to the amazing fall in the price of almost all our manufactures, and to the rapid returns of great and growing distress with which we have been visited since 1819; and we think it will not be denied, that the present conjuncture is one of no ordinary cast—and that by no ordinary exertions can the vessel of the state be conducted through the perils which surround it.

There never was a time when the agricultural, commercial, and monied interests stood in such a relative situation, or were more likely to come into violent collision. We speak with much hesitation, but we do not see how the present or any future landowners, can long support the burden now imposed upon them. It seems lately to have been forgotten, that agriculture is at all times the chief stay of every great country. It is what the belly is to the members, and if it pines, the whole of them will suffer. If the prosperity of agriculture be of so much importance in general, it is at present doubly important with us. When our commerce is in so languid a state, and when the customhouse returns show the real value of our manufactures to be now as much below the official value as it was formerly above it; and when trade is carried on at so extremely little profit, what, we would ask, except land, can pay the interest of the national debt—and how can it long prove adequate to that unless it be assisted? We desire no one interest to be sacrificed to another; but if the pressure should continue, and the monied interest should refuse or resist all adjustment, they may produce a catastrophe equally calamitous to themselves and the other interests in the state.

We hope, therefore, that such decided and effective measures will at last be resorted to, as the emergency demands. Economy and reduction are all useful and expedient, both in themselves and for the sake of example; but no petty savings, either in the payment of the interest of the national debt, or in our actual expenditure,

will restore us to a state of activity and prosperity. They will be of little avail, unless more energetic measures are resorted to, and even these will lose half their effect, unless they be adopted speedily. It is ruinous to permit a great country to fall back or even stand still, while its enemies or rivals are advancing around it. Every year that is at present suffered to pass away, in expectation of a remedy without legislative interference, is almost irreparable. The revenue, *which is always the last thing to fail,* may, for a while, be nearly kept up, and partial revivals may take place, but it will, after all, be found that one interest has gradually been giving way after another, until the burden of the public debt will become insupportable. Agriculture, which is always the chief prop and stay of all great states, and which it behoves us to cherish the more as trade declines, will be carried on with less enterprise and capital: —merchants and manufacturers will first contract, then stop, and at last close their concerns; after doing which they will silently transport themselves and property to other countries, where they can be more profitably employed. The operation which we have now described will be slow and imperceptible, but not on that account the less certain. In the mean while, a change will take place among the body of the people, in one of two different ways—Finding that neither industry nor economy can improve their prospects or property, they will gradually become discontented, unprincipled, and ungovernable—or they will become careless, submissive, and desponding: effects which, however widely they differ from one another, are equally unfavourable to the glory and prosperity of the country.

If it should be inferred, from any of the observations which have now been made, that any alteration has taken place in our political views or principles, we beg to repel the accusation. Should it be expected of us, we have no reluctance distinctly to avow our political opinions. We despise and abominate the details of partizan warfare, but we now are, as we always have been, decidedly and conscientiously attached to what is called the Tory, and which might with more propriety be called the Conservative, party; a party which we believe to compose by far the largest, wealthiest, and most intelligent and respectable portion of the population of this country, and without whose support any administration that can be formed will be found deficient both in character and stability. Some of this party, we know, object to all change whatever; and, by the obstinacy they have displayed on this point, and the coldness and distance which have too often marked their demeanour, they have, in our judgment, done essential injury to the side to which they belong. But these are neither considerable in numbers, in rank, or in influence. We have no hesitation in stating it to be our conviction, that an immense majority of the *tories* are as anxious

anxious to promote any prudent and practicable amelioration of the state, as any of their fellow-subjects; and we must take leave to say that we cannot conceive on what grounds their political opponents have supposed themselves to be entitled to the exclusive privilege of entertaining or uttering patriotic or independent sentiments.

Having said thus much, not to offend or inculpate others, but to justify ourselves, we shall draw to a conclusion. We shall not often intrude on our readers in such a sort; and we hope that what we have said will be received in the same spirit in which it is written. We have no desire to read lessons to the public, or alarm it by unnecessary apprehensions. But we may be permitted once more, in the way of friendly admonition, to warn our countrymen to summon their whole virtue and resolution for the trials they may be called to encounter. Many of the signs of revolution are upon us. While we cannot speak otherwise than thus, from the presages which we see around us, and should think it an abandonment of our duty did we not proclaim the fact, we beg, at the same time, to guard ourselves against the imputation of being either gloomy or desponding. Those are not likely to stand the conflict worst, who are the earliest prepared for it. If we are only true to ourselves—if our worth and character do not forsake us—and if we act with the judgment and energy which the emergency requires, we have abundant means and resources to carry us triumphantly through all the difficulties with which we are surrounded. We have also another ground for confidence. We are at present under the guidance of that distinguished person, who, by so extraordinary a train of events, has been raised from the direction of an army to the more elevated station of a director of the state; nothing can make him greater than he is, but great benefits conferred on the country with which all his glories are identified; and we trust he is destined to achieve for us a still greater deliverance than any he has yet accomplished. If, under his direction, the legislature will honestly and resolutely prepare for the investigation and redress of whatever may be amiss, we have no doubt that our affairs would soon assume another aspect. Confidence would almost immediately be restored, the depression under which we have been labouring would be removed, and the country would once more become the abode of prosperity, cheerfulness, and content. The public mind—by which we mean anything rather than the mind of the populace—has been disturbed; but we are persuaded that a few honest words and intelligible acts from the proper quarter would exert a magical influence, and give a patriotic statesman all that he could desire.

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which, as the male heir became extinct, were united to the crown. New peerages were afterwards created in favour of the princes of the blood-royal of France. In the sixteenth century, Louis XII. and Francis I. extended these peerages to persons who were not of the blood-royal. Voltaire has written a history of the French parliaments, in which these peers had a seat; and numberless other accounts of their order have appeared.

But no opinion is more erroneous, than that the peers of France, before the revolution, limited as they were in number, were of more historic and of more ancient families than the English peers existing at the same period. The oldest peerage of France existing in 1789, was that of De Crussol, Duc d'Uzès, created as late as 1572. There remained at this time only three more peerages of the same century,—De Lorraine, Duc d'Elbœuf, 1582;* De Rohan, Duc de Montbazon, 1595; and De la Tremoille, Duc de Thouars, 1599. Seventeen of the remaining peers were of the date of the following century. The first of these was created in 1606, the dukedom of the immortal Sully. Others which followed were the dukedoms of Richelieu, 1631; Montmorenci—Luxembourg, 1662; Gramont, 1663; and Noailles, 1663; all titles familiar to the English. Seventeen others, dated in the last century, made up the complement, including the names of Harcourt, 1710; Fitzjames, 1710; Nivernois—Mazarin, 1721; Fleury, 1736; Rochefoucauld, 1770; and Choiseul, 1762—1787.

The changes and irregularities of the laws and privileges of the peerage of France before the revolution are strikingly illustrated by a dispute which is recorded by l'Abbé Georgel, in his *Mémoires*,† to have taken place at court in the last years of Louis XV. Among the peers were the three great houses of Lorraine, Rohan, and Bouillon, who, having set themselves up as the male representatives of sovereign princes, had obtained of Francis II. and his successors the grant of precedence at court over the other peers, with other ceremonial privileges, incident to the blood-royal. The *Lorraines*, who, under the title of 'Ducs de Guise' make such a frightful figure for their ambition and their cruelty under the last monarchs of the house of Valois, and who even aspired to intercept the crown from the Bourbons, found no difficulty in extorting from the throne these comparatively unsubstantial distinctions;—the *Rohans* claimed descent from the ancient sovereign house of Bretagne,‡ and were allied to Henry IV., whose

* Lately extinct. † Paris, 1817, vol. i., pp. 211—217.

‡ According to the *Dictionnaire Véridique*, M. Chateaubriand is also descended from this great house of Bretagne, viz.: from Briant, fourth son of Eudo, Comte de Penthièvre, second son of Geoffrey, Duc de Bretagne, by Bavoise de Normandie. This house of Bretagne were also Dukes of Richmond in England.

grandmother,

grandmother, the wife of Duc d'Albret, was a Rohan; the *Tour d'Auvergnes, Ducs de Bouillon*, were descended from the ancient sovereign princes of Auvergne. These privileges had long been odious to the other peers, who alleged that it was contrary to the primitive rights of the monarchy to allow any intermediate rank between them and the throne. Their anger prompted them to strike at the very root of these favours, and to deny the alleged descents on which they were founded, in a formal memorial, which was presented by the hands of the Ducs de Richelieu and Fitzjames. It made a great sensation. The house of *Rohan* was more especially attacked, and its origin violently contested. The king was embarrassed: he was not willing to offend either these powerful families by abridging privileges they had long enjoyed, or the great body of the peers, supported also in their protest by the public opinion. He caused it to be hinted to the house of *Rohan*, that it behoved them to answer the attack on their pedigree by proofs, which could not be resisted. The advice was taken; and the *Abbé Georgel* was himself employed to draw up the *answer*. When this was done, the king was petitioned by the family to appoint commissioners, chosen from the most eminent genealogists and men of letters, to examine the proofs, and certify their authenticity and import. All of these gave their attestations to the truth of the *Answer;* and, to add to its credit, it was announced that the original documents would remain for two months open to every inspector, at the 'Bibliothèque de Soubise.' This conduct put the case out of the reach of attack; the Rohans were preserved in their prerogatives; and the dukes and peers submitted in discontented silence.

Mad. de Staël affirms, that, at the revolution, there were not more than *two hundred historic families* in France;* and Thiebault, in his 'Souvenirs de Frédéric le Grand,' records a conversation of that able and accomplished monarch, in which he gave the following opinion of the French nobility:—

'It was the system of *Law* which destroyed the French nobility. At the overturn of all the great fortunes, which this bubble produced, new men, hitherto unknown, were seen to eclipse, by their ostentation and credit, the men who had before occupied the public consideration. By degrees, these *parvenus* got possession of the lands, the titles, the honours, the offices. The nobles, become poor, humbled, and forgotten, found that riches were every thing, and that mind and sentiment were of no value. Honours were trafficked against gold, and every thing was venal. Unequal alliances were multiplied

* Sur la Révolution Françoise, 1 partie, chap. xiv., pp. 164—166.

without end. Men of the counter, agents, stock-brokers, loan-jobbers, contractors, speculators, gave themselves up to all sorts of pillage and extortion, to enable them to buy illustrious connexions; and all ranks were confounded. Elevation of sentiment was extinct: the only motive of action was money—nothing but money; that is to say, the thing most opposed to the grandeur of the soul, and which never becomes an object of cupidity with the upper classes who influence the state, without producing, in a short time, the most general depravation, the most complete corruption, and at last the ruin of the nation. See, then, the obligations you have to the system of *Law;* and the chain of events which seems to me to justify my assertion, that you no longer have a nobility in France.'

What Frederick the Great so well said of France may at least afford a warning to other countries in our own times.

When Louis XVIII., by his charter of 1814, instituted a chamber of peers after the model of the English, he named at the head all the surviving peers, or their heirs, of the old regime, and next to them, the dukes who were not peers, or their heirs. About eight of the peerages had become extinct. The total number then created was about two hundred and nine. At the commencement of 1829, it was three hundred and sixty.

The British peerage consists at present of three hundred and twenty-eight, besides representative peers and bishops.

During the Tudor dynasty, and the latter times of the Plantagenets, the House of Lords did not exceed from fifty-four to sixty. King James augmented the number by at least one-half, having created about forty-five peers;—and King Charles I. made not less than fifty-four. In 1715, the total number was one hundred and seventy-four; and in 1768, it was one hundred and ninety-nine, which was an increase of twenty-five in fifty-three years—not one in two years. The subsequent increase has been one hundred and twenty-nine in sixty-one years—more than two a year.

To inquire into the ingredients of such an assembly cannot be a matter of indifference, as a political question. Mad. de Staël, whose notions were sufficiently democratic, says, that 'a nation will submit voluntarily to the pre-eminence of historic families; but when newly-acquired wealth and station aspires to the privileges and superiority of the Montmorencies, &c., all classes revolt at it.' When we consider what always has been, and always will be, the effect of rank and high titles on the mass of every people; when we consider still more how important to the possessors are the functions and privileges conferred by the peerage, such as it has existed for five or six centuries in England, and such as the charter has now given to France; and, most of all, when we consider

sider what very serious results may spring from the use or abuse of the grant of this boon, or of the discharge of its duties,—a solicitous curiosity about it, and a penetrating but candid examination of the degree of care and wisdom with which it has been conferred, and of the materials of which it has been composed, cannot be idle or profitless. Perhaps the pith of all that can be wisely said in favour of ancient nobility, is included in Lord Bacon's short but admirable 'Essay' under that head. If new men be of great talents, great virtues, and great public services, a people will willingly submit to have them and their male posterity put in high rank over them; to have them for their legislators and their judges; and the guardians—not chosen by themselves—of the foreign and domestic policy, on which depends their prosperity or decay. But they will not submit, without dangerous murmurs and repinings, to those who, born their equals or inferiors, cannot gild their elevation by qualities of strong personal superiority.

A regard to the origin and fame of their ancestors has been found to exist in every country in the world, not only in those who have a written history, but even in those savage nations who have no other memorials than of oral tradition. It is implanted in the heart of man; and not all that envy, or liberalism, or pretended philosophy can declaim or argue, or wit can impress by the force of ridicule, will eradicate it. We cannot have a stronger instance than the confession on this subject made by the late Bishop Watson, in his life of himself,—a man of severe reason, whose studies were all scientific, and whose political notions were all on the side of democracy; though of humble origin, he shows an anxious desire to record his forefathers, and give them the utmost consequence that truth would allow. Another striking proof is furnished by Benjamin Franklin, who, of all men, was remarkable for primitive simplicity and exemption from vain ostentation; and who yet traced up his ancestors, and recorded their names and characters through a series of village peasants and mechanics for two hundred years.

But when we talk of the influence of birth on the minds of the people, and of the salutary manner in which the acknowledged possession of it operates to reconcile them to the royal grant of those honours, privileges, and legislative functions by which others are put over their heads and surrounded with a dazzle calculated to awe them, do not let us be understood as speaking with the passions and prejudices of pedigree-mongers, heralds, and antiquaries: we mean something very different; and look to other fountains for the origin of that influence. We must look for it in the impression received, and the faith given, by the people at large.

large. And whence do these spring? From a family having lived in the eye of the world—conspicuous on the great theatre of life; from notices in public histories, biographies, memoirs, poetry; from the fame that still lingers on the tongues of the great body of their countrymen! The most undoubted pedigree of seven centuries of fair lands, fair alliances, provincial charges, attested by all the heralds, blazoned in the most splendid books, compiled in the most lucid order, and printed with every proof and illustration, will do but little; none but a genealogist will read it; or, if any other reads it, he will give to it but a very doubtful credit. We know well these things from long observation. There are not a few families of this sort, whose descent, respectable, (and even honourable, if that word may be applied to mere antiquity, long-possessed property, and gentilitial rank,) none know, or care anything about, except themselves and their immediate relatives; nay, some of whom are, from some strange story which has got into circulation, believed to have sprung almost within memory from a mean and sordid stock. It is not to be denied that, though we must be guided and ought to be guided by the opinion of the people, in the deference which they are willing to pay to birth, as one of the claims to those hereditary distinctions by which their rights and interests are affected, yet they sometimes make strange mistakes on these subjects;* and that a thoroughly clear and intelligible history of our peerage is, therefore, as well as for many other reasons, a great *desideratum* in English literature.

It so happens that the materials for such a history are very ample. We are not speaking of the mere dry descents, with names, offices, and dates, such as dull records, epitaphs, and registers may furnish; but much more instructive intelligence. We mean the innumerable passages regarding our noble families, which occur in the vast collection of works regarding our national history, including all its subdivisions; and the incidental notices in many other departments of our literature. Of all these, the most valuable and most full are the characters given by Lord Clarendon, Bishop Burnet, Lord Waldegrave, Horace Walpole, and Archdeacon Coxe. From these we have a clearer view and more intimate knowledge of the great men of our nation who lived a

* We remember a noble peer, of an ancient title, who contended with us that Lord Chancellor Harcourt was a man of low origin, though his descent was one of the most decidedly Norman, and one of the best proved, and one of the most honourable, of the whole peerage; though his immediate male ancestor some centuries back had been a Knight of the Garter: though a long series of his forefathers, even down to his father inclusively, had represented the county of Oxford in Parliament; and though he himself had his hereditary residence at the lordship to which his family had added their name five centuries before. And all this from a misconstrued passage in one of Lord Chesterfield's pieces, written in the bitterness of party-spirit

century

century or two ago, than of many of our contemporaries. The chroniclers of scandal—Weldon, Osborne, and others, of whom many of the stories must be rejected—may at least supply useful hints, if examined with caution and sagacity. The collectors of news and gossip, whose letters are some of the most amusing of those which have come from the Sydney, Strafford, and other family depositaries of great houses, give us many curious traits of the times. The mere genealogical works it is not necessary to notice here with much particularity. One of the earliest who made collections of this sort for a baronage was Robert Glover, Somerset herald, temp. Eliz., whose MSS. furnished the matter for the *Catalogue of Honour* by his nephew Thomas Mills, 1610; and these were followed by the *Catalogues* of Brooke, Vincent, and Yorke. Then came the great work of Dugdale,—a mass of evidence drawn from records of inestimable value, but *rudis indigestaque moles*—deficient in a critical use of its stores, and with no other merit than that of crude and tasteless labour. Arthur Collins was originally a bookseller; an industrious and very praiseworthy genealogist, whose first edition of his peerage, 1709, was a very slight work, but who gradually enlarged it into six thick octavo volumes, full of research, and executed with a perfect probity and judgment, but with none of the higher qualities of literature or talent. Hence the editions which have appeared since his death could not be so entirely new moulded, as to be free from the original sin of dulness. The modern pocket-peerages, such as Debrett's, aspire to nothing of the dignity of history, and must not therefore be tried by such rules. The only merit they can pretend to is accuracy, clearness of method, and impartiality of abridgment. Annual editions render the want of correctness, as to dates, &c., so conspicuous in all of them that we have looked into, unpardonable. Such works, however, come scarcely more within the circle of literature than a court calendar. But among the authorities for the estimation in which certain families were held in the reigns of Henry VIII., and Queen Elizabeth, we have two *contemporary* witnesses, which cannot deceive, *Leland's Itinerary*, and *Camden's Britannia*. When no notice is taken of a family by these enlightened antiquaries, here is a piece of negative evidence not a little unfavourable to its pretensions. There is another test of estimation in those days, which will seldom mislead. It is the list of knights made by that discriminative queen. If a family did not, either in that reign, or during the Tudor dynasty, attain the rank of knighthood, it is a strong presumption that they were of a minor and obscure quality. We shall hereafter see what portion of the present peerage can stand this test.

At

At the death of our illustrious queen, (1603,) the peerage consisted of nineteen earls, one viscount, and about forty barons. King Henry VIII. had lifted three or four families from obscurity to the peerage;—such as Boleyne, Earl of Wiltshire, Cromwell, Earl of Essex, Wriothesley, Earl of Southampton, and Russel, Earl of Bedford; and Edward VI. raised Paget and North. But Queen Elizabeth made only seven peers during her long reign of forty-five years; and of these all were of historic descent, except Cecil, whose great personal merits were more than sufficient to overshadow any defect of pedigree. At this time there were several of the noble families, who represented in the female line different branches of the Plantagenets; and of most of these the queen had a cruel jealousy. The great house of Stafford, Dukes of Buckingham, had been destroyed by her father; and was only restored to a barony, and a small part of the lands of a revenue not exceeding 500*l.* a year, which was entailed by act of parliament on the male line, with remainder to the heirs general, under which Sir George Jerningham, now Lord Stafford, enjoys it. The hard and affecting case of Roger Stafford, the heir male, in 1640, who, when the daughter and heir of the last lineal baron was married to Sir William Howard, was ousted of his peerage and inheritance by the most cruel oppression and injustice, may be seen in the Gentleman's Magazine for 1797.

There is a fascination in a name associated with our early imbibed ideas of the splendour of past ages, in spite of all that has been said to the contrary. In point of mere antiquity, there are several nobles which far exceed the *Howards;* but what other family pervades all our national annals with such frequent mention, and often involved in circumstances of such intense and brilliant interest? As heroes, poets, politicians, courtiers, patrons of literature, state victims to tyranny and revenge, and feudal chiefs, they have been constantly before us for four centuries! In the drama of life they have exhibited every variety of character, good and bad; and the tale of their vices as well as of their virtues is full of instruction, and anxious sympathy, or indignant censure. No story of romance, or tragic drama, can exhibit more incidents to enchain attention, or move the heart, than would a comprehensive account of this house, written with eloquence and pathos. It may be observed, that the opinion once taken up by the public of a family's pretensions in blood, whether for good or for ill, can no more be effaced by the critical officiousness of antiquarian doubts or protests, than it can be impressed by the same zeal in opposition to their prejudices. It is generally, indeed, nearer the truth than those censorious gentry struggle to have it thought to be.

It

It was the principle of the Tudors to break down the old nobility. The great families of Norman origin then remaining—the Veres, Percys, Cliffords, Staffords, Neviles, Talbots, Courtenays, Greys, Berkeleys, Clintons, and Hastingses—of whose male lines eight still exist, had suffered frightfully in the wars of York and Lancaster. The head of the house of Howard, already mentioned, had fallen at the battle of Bosworth, and his son, afterwards restored to the title of Duke of Norfolk, was committed to the Tower by King Henry VII., and continued a prisoner there three years and half. But the history of all the chief families during this dynasty is a tale of melancholy and suffering. We have mentioned Edward Stafford, the last Duke of Buckingham, of princely blood and princely estates, who was beheaded by Henry VIII. in 1521. The heroism, the elegant and affecting poetry, the accomplishments, the amiable virtues and the tragical death of the Earl of Surrey; the cruel fate of his son, the Duke of Norfolk, who lost his head on the scaffold for the cause of Queen Mary; his son, Philip, Earl of Arundel, condemned capitally in 1589, upon frivolous charges, and, though not executed, kept a prisoner in the Tower, where he languished till his death in 1595, æt. 38;—all these affecting events are in general recollection. Pass to the Seymours, the Dudleys and the Greys, the Percys and the Courtenays, the Delapoles and the Poles, the story is not less full of sorrowful incidents.

The execution and attainder of the Protector, Edward *Seymour*, Duke of Somerset, and of his brother, Thomas Lord Seymour, the admiral, in 1549 and 1552, brought on by their quarrels with each other, afford a dreadful warning against fraternal discord. The Protector was not happy in his marriages; his first wife was Katharine, daughter and coheir of Sir William Fillol, of Fillol Hall, in Essex; and he separated from her on certain incestuous charges, which brought a strange fate on her children. He then married the proud and ambitious Anne Stanhope,* the daughter of Sir Edward Stanhope, of Rampton, in Nottinghamshire, and only child of his second marriage with Elizabeth, daughter of Fulk Bourchier, Lord Fitzwarine, grandson of William Bourchier, Earl of Ewe, in Normandy, by Anne Plantagenet, sole heir of Thomas of Woodstock, Duke of Gloucester. The admiral's wife was Queen Katharine Parr, widow of Henry VIII.; and the animosity between the admiral and the Protector was fomented by the necessity, on the part of the duchess, to yield precedence to the wife of her husband's younger brother. On the king's mar-

* Her half-brother, Michael Stanhope, beheaded 1552, was great grandfather of the first Earl of Chesterfield.

riage

riage with Jane Seymour, her brother, Sir Edward Seymour, was, on 5th of June, 1536, created *Viscount Beauchamp, to hold to him and the heirs male of his body.* At this time, therefore, there was no intention to postpone the sons of his first marriage. The date of his second marriage does not appear.* The next year, he was created *Earl of Hertford.* On the accession of his nephew, Edward VI. (being made lord protector and lord treasurer,) he was, on 15th and 16th February, 1547, created *Baron Beauchamp* and *Duke of Somerset, to him and the heirs male of his body, by* Anne, *his wife: remainder to Edward Seymour, son of him, the said duke, and the* Lady Catherine, his first wife, *and the heirs male of the body of the said Sir Edward Seymour.* By the duke's attainder (1552), his estates and honours appear to have been forfeited, otherwise it is clear that Sir Edward Seymour, son of the first marriage, was entitled to be *Viscount Beauchamp;* and the second Sir Edward son of Anne Stanhope, to be *Duke of Somerset.* The peerage, with the title of *Viscount Beauchamp,* does not appear to have been included in the restitution of the act 7 Edward VI., entitled, '*An Act for the Restitution in blood of Sir Edward Seymour, knight,*' which seems only to have restored him to the capability of inheriting lands. His half-brother, Sir Edward Seymour, the younger (Anne Stanhope's son), was also partially restored (1st Eliz.) by being created *Earl of Hertford,* having come of age about that time. Four years afterwards, he ran away with Lady Frances Grey, the eldest daughter and coheir of Frances Grey, Duchess of Suffolk, who was eldest daughter and coheir of Charles Brandon, Duke of Suffolk, by the Princess Mary Tudor, youngest daughter of King Henry VII., and widow of King Louis XII. This near alliance to the crown, combined with the provisions of King Henry VIII.'s will, and the pretensions which had been set up by her sister, *Lady Jane Grey,* excited the extreme jealousy and watchfulness of the queen. The marriage, if it took place, was private; and, its validity being denied by the queen, the parties fell under her majesty's heavy displeasure. On her being pregnant, they were committed to the Tower (1563), where her first child was born. The earl was also censured in the Star-chamber, 'for having vitiated a maid of the blood-royal.' He afterwards made many attempts, during this reign, to establish the legality of the marriage, but the crown threw every thing in his way; and it was said, that for a long while he could produce no witness of the marriage, but that at last he had the good

* But by the age of Edward, Earl of Hertford, Anne Stanhope's son, it was probably about 1538.

luck

luck to discover and bring forward the clergyman who married them. It is strange that this witness should have concealed himself for so many years, unless he was afraid of the vengeance of the queen. The earl, however, did not entirely lose the favour of the court; for he gave a magnificent entertainment to Queen Elizabeth in one of her progresses, at his seat at Elvetham,* near Hertfordbridge, in Hants.

At the accession of King James, this question of legitimacy seems not to have been satisfactorily settled; for Edward Seymour, the eldest son, sought and obtained letters-patent, confirming to him, and the heirs male of his body, a peerage, and the title of *Earl of Hertford*. At the same time, the protector's heirs, *by the first marriage*, lodged, in the House of Lords,† a petition against the succession of this line of the Earl of Hertford to the honours, which could only be on the ground of alleged illegitimacy. It is said, that in this patent, Edward Seymour is not recited to be the son of the Earl of Hertford; but if he was not admitted so to be, the patent was clearly illegal, by giving a precedence which nothing but an act of parliament could give. It was, however, no doubt intended to have the effect of legalising the issue with regard to the honours, without committing the crown as to the royal descent, on which its jealousy turned.

The Earl of Hertford died in 1621, at the age of eighty-two. His son, Lord Beauchamp, had gone to the grave before him, having had two sons, by a marriage with Honora, daughter of Sir Richard Rogers, of Brianstone, in Dorsetshire, a match much against the father's consent, who seems to have considered it far beneath the rank to which the Seymours now aspired. The eldest son of this match also died in 1618, before his grandfather, having no issue by his wife, Lady Anne Sackville, daughter of Robert, second Earl of Dorset. William Seymour, the remaining son, then became heir to his grandfather; and affords a striking instance how little the lessons of experience could cure the family ambition, and their love of royal alliances. About 1611, this William ran away with, and married privately, the Lady Arabella Stuart, niece to Lord Darnley, the king's father, and daughter of Charles, Earl of Lennox, by Elizabeth, sister of William Cavendish, first Earl of Devonshire (of that family). The character of this unfortunate princess has been beautifully drawn by Lodge, in his 'Illustrations of British History;'‡ and a particular account of the

* *See* Nichols's '*Progresses of Queen Elizabeth.*'

† It does not appear on what ground this petition was addressed to the Lords, which ought to have been directed to the crown.

‡ See, also, a character of her by Edward Phillips, in his 'Theatrum Poetarum,' where it

the flight of this couple is to be found in a letter in Winwood's Memorials.' For this marriage, the king committed Seymour to the Tower, and confined Lady Arabella to her house at Highgate. Her husband escaped to Dunkirk; and she, making an attempt to follow him, was overtaken, and herself also committed to the Tower. There she languished till her death, in 1615, without issue,—a prison in which her husband's grandmother had died, in 1567, for a similar offence. Six years afterwards, her husband succeeded his grandfather as *Earl of Hertford;* and married, *secondly*, Frances, eldest sister, and finally coheir of Robert Devereux, Earl of Essex, the parliament's general. The part he took in the civil wars may be found in Lord Clarendon. He lived to see the restoration; received the garter at Canterbury on the 27th May, 1660, on the king's way to London; and was immediately restored, by an act of parliament, to the *Dukedom of Somerset*, after a suspension of an hundred and eight years; but he survived only five months—till October 24th following, when he expired at a great age. His grandson, William, third Duke of Somerset, died 1671, aged twenty; and left a sister and heir, Lady Elizabeth Seymour, married to Thomas Bruce, Earl of Aylesbury, whose great-grandson and heir was James Brydges, last Duke of Chandos, who died in 1789, *s. p. m.* But the male line of the issue of the protector-duke, by Anne Stanhope, did not end with Duke William in 1671. He had an uncle, John, fourth duke; who was succeeded by Francis, Lord Seymour, of Troubridge, nephew to William, the restored duke; and he, by his brother Charles, called the *proud duke*, who died in 1748, at the age of eighty-seven, and was succeeded by his son, Duke Algernon, who only survived till 1750, leaving a daughter and heir, married to Sir Hugh Smithson. Then it was that Sir Edward Seymour, heir-male of the protector-duke, by his first wife, *Catherine Fillol*, succeeded to the dukedom—which now continues in his line.*

The will of Henry VIII., who had the power, by act of parliament, to nominate the succession to the throne, and who executed this provision in favour of the issue of his youngest sister, the Princess Mary, in default of his own issue, made this questioned marriage of Lady Frances Grey with the Earl of Hertford a matter of intense interest, both to the crown and to many noble

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it is said, 'she had a great facility in poetry, and was elaborately conversant among the Muses.' We may also refer to a very interesting and touching article in the Second Series of D'Israeli's Curiosities of Literature.

* We must smile at the yesterday's affectation in this family of spelling their name *St. Maur*. It is as if *Louis* XVIII. had written himself *Clovis* or *Chlodovic*. All their historic distinction is associated with *Seymour*.

houses.

houses. The Princess Mary Tudor having left another daughter and coheir, married to Henry Clifford, Earl of Cumberland, whose marriage was in all respects regular and undisputed—this added to the jealousies and conflicting interests of parties. The book called *Dolman's Conference*, written by Persons, the jesuit, blew up the flame. Ferdinando, Earl of Derby, the grandson and heir of the Countess of Cumberland, a man of illustrious family, high rank, large estates, elegant accomplishments, genius, and the most amiable virtues, drew the eyes and hopes of a large party upon him; and is supposed to have fallen a victim to poison, because he declined to pursue the paths of ambition opened to him. He left three daughters, his coheirs, married to Grey Brydges, Lord Chandos,—John Egerton, Earl of Bridgewater,—and Henry Hastings, Earl of Huntingdon,—to whom, of course, it conveyed the highest blood of the kingdom inherited by subjects. The present heirs and representatives of this blood, are the Marquis of Stafford, the Earl of Jersey, and the Marquis of Hastings. It is true that it is the custom to consider principally the male line in the respect accorded to antiquity and lustre of family; but there is always a mixed regard to great splendour of female descent, and especially when it is grafted on an old historic name: for so it is, that there is something of a spell in a name consecrated in the annals of more romantic ages, of which the imagination has 'ample room to trace the characters,' that not the strongest blaze of renown attached to the personal virtues of our own times can supply. A new name may stand on merits of its own, sufficient to satisfy any appetite for glory; but it is of a different quality, and has a different effect on the people.

The *Seymours* remind us of the curious fate of another great house, to whose intrigues the protector-duke fell a sacrifice. Every one is familiar with the turbulent character of John *Dudley*, Duke of Northumberland. There have been great disputes as to the origin of his father Edmund, which even to this day are not entirely cleared up. Dugdale could not satisfy himself about it. The family asserted Edmund's father to have been a younger son of the Suttons, Lords Dudley, and thence to have taken the name of *Dudley*. His enemies pretended that his father was son of a low mechanic. The difficulty is, to conceive that there could be any opening for doubt, if so *near* a descent from this noble house was true; one cannot but suppose that the proofs of such a filiation (then within memory) must have been decisive, and within the reach of every honest genealogist. The name of *Dudley*, however, coupled with *Empson*, was odious to the people, on account of their great oppressions in collecting the public revenue,

and

and they both lost their heads. Among the sufferers by their extortion was the Lord Mayor, Sir William Capel, ancestor of Lord Essex. Edmund Dudley had married a noble heiress, Elizabeth, daughter of Edward Grey, Lord Lisle,* by Elizabeth, sister and coheir of Thomas Talbot, Viscount Lisle; and John Dudley, the son, thus obtained a peerage, and was afterwards created Duke of Northumberland, the earldom of that county being at that time forfeited by the Percys. At last, this powerful duke aspired to put his family on the throne, by the marriage of his son, Lord Guilford Dudley, with Lady *Jane Grey*, granddaughter of the Princess Mary Tudor, and sister to Lady Catherine Grey, who ran away with the Earl of Hertford. The result of these attempts is well known; and that the father, the son, and the amiable Lady Jane, all lost their lives on the scaffold.

Queen Elizabeth restored the duke's eldest son, Ambrose Dudley, to the earldom of Warwick, and created his younger son, Robert, Earl of Leicester. The frightful story of this ambitious and unprincipled man is known to all the world; and the tragedy of *Cumnor*, and the splendours of *Kenilworth*, are as familiar to the readers of romance as of history. But there is another sad part of this proud courtier's life not so often dwelt upon. The Earl, before he married Lettice Knollis, the widow of Lord Essex, is said to have privately married Douglas Sheffield, the daughter of John, Lord Sheffield, who died in 1558, by whom he had a son, *Robert Dudley* At Lord Essex's death, in 1576, (not without a strong suspicion of poison, administered by the earl's procurement,) this private marriage became an obstacle to the schemes he now entertained; he chose, therefore, to deny it, and to bastardise his only son. The whole affair is related by Gervase Holles,† and also detailed in a long note to the Dudleys in the Biographia Britannica. This son, Sir Robert Dudley, who was a man of genius and science, of a high spirit and romantic character, always asserted his legitimacy, and struggled through the whole of King James's reign to get possession of his hereditary estates and honours, but in vain. He at last retired to Florence, and was created a duke of the Holy Empire. He now turned his science to practical account; drained the marshes between Pisa and the sea; and rendered Leghorn one of the first ports of the world. He left five‡ daughters, his coheirs, by Alice, daughter

* This barony was lately claimed by Sir John Shelley Sidney, by descent from this marriage, when a great deal of curious matter was elicited during the course of the evidence.

† 'Memoirs of the Families of Holles, Cavendish, Harley, &c.,' published by Arthur Collins: a very curious collection.

‡ One of the daughters married Sir Gilbert Kniveton, of Derbyshire.

of

of Sir Thomas Leigh, of Stoneley, in Warwickshire, whom Charles I., feeling the hardship of Sir Robert Dudley's case, created *Duchess Dudley*. When Charles Talbot, Duke of Shrewsbury, was at Rome, he married Adelhida, daughter of the Marquis Paliotti, of Bologna, descended by her mother from this Sir Robert Dudley, who always called himself *Duke of Northumberland*. She survived the Duke of Shrewsbury, without issue. The daughter of John Dudley, Duke of Northumberland, sister of Robert, Earl of Leicester, was married to Sir Henry Sydney, K.G., and was mother to the celebrated Sir Philip Sydney—a singular contrast to his uncle in mind and heart. Robert Sydney, Sir Philip's younger brother, was, by King James I., created a peer, and afterwards promoted to the earldom of Leicester. This nobleman seems, therefore, to have considered Sir Robert Dudley illegitimate, by taking on himself the representation of the Dudley family; but it must be remembered, that this assumption was not disinterested. When the Sydneys were thus displaying on their shields, their windows, their towers, and their tombs, all the chivalrous insignia of the Dudleys, Greys, Talbots, Beauchamps, and Lisles, they must have felt occasional annoyance at the name of Sir Robert Dudley and his daughters; and the genuine feeling of grandeur for the glories of Penshurst must now and then have trembled and turned pale at its doubtful rights. But the nobility of the Sydneys was gilded by their personal talents and virtues, built on a venerable name.

We now come to the *Greys*. Henry Grey, Marquis of Dorset, son of Thomas, Marquis of Dorset, by Cicely Bonville, son of Sir John Grey, slain at the battle of St. Albans, 1454, by Elizabeth Wodevile, (who afterwards became consort of King Edward IV.) had issue, by Elizabeth Wotton, four sons. Henry Grey, eldest son, was third Marquis of Dorset; he married Lady Frances Brandon, eldest daughter and coheir of Charles Brandon, Duke of Suffolk, by the Princess Mary Tudor, daughter of King Henry VII., and had by her three daughters, his coheirs—Lady Jane Grey, Lady Catherine, who ran away with the Earl of Hertford, and Lady Mary. He was created Duke of Suffolk, in Oct. 1551, by Edward VI., who was his second cousin; and three years afterwards, implicating himself in the scheme for raising his daughter to the throne, was beheaded, and his honours and estates were forfeited. Thus this branch of the great house of Grey were excluded from their rank during the whole reign of Elizabeth; but King James, on his accession, 1603, revived it, by creating Sir Henry Grey, of Pergo, in Essex, (son of Lord John Grey, the duke's brother,) a baron, by the title of *Lord Grey of Groby;*

Groby; and his grandson Henry was created Earl of Stamford, 1628; and thus the family survives to this day.

But no sooner was the *Groby* branch restored, than another illustrious branch, the *Greys of Wilton*, fell for ever. Arthur, Lord Grey of Wilton, Lord Deputy of Ireland, (the patron of Spenser the poet,) and William, Lord Grey, his father, a gallant soldier, had made a conspicuous figure during the queen's reign; but Thomas, Lord Grey, the son of Lord Arthur, was involved in Raleigh's plot, thrown into the Tower, and died there. Villiers, the favourite, got a grant of part of his estates in Buckinghamshire. Philip, the eccentric Duke of Wharton, whose ancestor inherited other parts, wasted them in follies so egregious, as can only be assigned to insanity. A third branch of this numerous and celebrated family, the Greys, Earls of Kent, having nearly ruined their property by gaming, lived in obscurity during a great part of the queen's reign, and declined to assume their title; but afterwards, having recovered their estates by frugality, resumed their rank in 1571; and were promoted to a dukedom in 1702, in the person of Henry, thirteenth Earl of Kent, who died without surviving *male* issue in 1740. The aunt of Lords Grantham and Goderich, created Countess de Grey, is heir of this duke.

The great house of *Percy* were strikingly unfortunate during the reigns of the Tudors, and, indeed, long before. Their ancestor, *Joscelin de Lovain*, a younger son of the ancient Princes of Brabant, and brother of Adelicia, second consort of our Henry I., married, in 1122, Agnes de *Percy*, the heiress of a great northern baron, seated at Topcliffe and Spofford, in Yorkshire, on condition that her male posterity should bear the name of Percy. Their son Henry was great grandfather of Henry, Lord Percy, summoned to parliament, 1299, whose great grandson, Henry, fourth Lord Percy, was created Earl of Northumberland, 1377, at the coronation of Richard II. He was slain at Bramham Moor, 1408. His son, Henry, Lord Percy, (*Hotspur,*) had already fallen at Shrewsbury, in 1403. Henry, second earl, son of Hotspur, was slain at the battle of St. Alban's, 1455; and his son, Henry, third earl, was slain at the battle of Towton, 1461. His son, Henry, fourth earl, was murdered by an insurrectionary mob, at Thirske, in Yorkshire, 1489, 3 Henry VII. Henry, fifth earl, died a natural death, 1527; but his second son, Sir Thomas Percy, was executed, 1537, for his concern in Ask's rebellion. Henry, sixth earl, the first lover of Queen Anne Boleyne, died, 1537, issueless; and the honours were suspended for twenty years by the attainder of his brother, Sir Thomas Percy, in 1537, already mentioned; during which time the family had the mortification to see the dukedom of

of Northumberland conferred on John Dudley, Earl of Warwick. But this nobleman being attainted, 1553, the earldom was restored to Thomas Percy, the son of the attainted Sir Thomas, who became seventh Earl of Northumberland. Such a long succession of violent deaths, closed by attainder and loss of such great and venerable honours, were calculated to afford a lesson of caution and love of quiet, when once the precious boon of restoration took place, which would have seemed to be irresistible. But all was lost upon him: as early as the 2d of Elizabeth, this restored earl grew discontented, that William, Lord Grey of Wilton, an excellent and experienced commander, was made Warden of the Middle and East Marches. Still, however, he did not lose the favour of the court; and the Garter was conferred on him. In 1568, he joined the strong faction of nobles against Secretary Cecil. In this year, he and Charles Nevile, Earl of Westmoreland, were at the head of the great northern insurrection, where Richard Norton, of Norton-Conyers, (ancestor of Lord Grantley,) accompanied by his five sons, erected and bore the banner of the Cross—an incident emblazoned in one of the finest passages of Wordsworth's poetry. The insurgent force retreated before the Queen's troops, under the Earls of Sussex and Warwick. Northumberland fled to Scotland, was betrayed, confined in Lochleven Castle, and delivered up by Morton to Lord Hunsdon, for a large bribe, in July, 1572; and being conveyed to York, was beheaded there in August following. He left only daughters, of whom Lady Lucy, wife of Sir Edward Stanley, was mother of the too celebrated Venetia,* Lady Digby, wife of Sir Kenelm. His brother, Henry Percy, was allowed, in right of the new entail, to succeed as eighth Earl of Northumberland. In 1585, this earl, still blind to his family sufferings, entered into the intrigues in favour of Mary, Queen of Scots; and being imprisoned in the Tower, committed suicide on the 21st of June. His son, Henry, ninth earl, memorable for the charge of being privy to the gunpowder plot, 1605, grounded on the patronage he had afforded to Thomas Percy, one of the principal conspirators, a relative whose exact connexion in blood is not known,† was confined in the Tower for fifteen years and upwards, till 1620, where he showed himself a great encourager of literature and science, and kept a table for several learned men. This long imprisonment did not break his spirit; for, on his release, hearing that Buckingham, the favourite, had six horses to his coach, he put *eight* to his own, and passed through the city of London to

* See Aubrey's Memoir of her, and the very curious Life of Sir Kenelm, published last year.

† See the branch of the Cambridge Percys recorded in Master's History of Benet College.

Bath in this pompous manner, to the admiration of the people. He then retired to Petworth, kept up great hospitality there, and died at this celebrated seat of the Lovain-Percys in 1632. Of his son, Algernon, tenth earl, and the part he took in the rebellion, Lord Clarendon has spoken so fully, that it is unnecessary to repeat it.* He died in 1668 His son, Josceline, eleventh and last earl, survived his father not two years, dying on his travels at Turin, 21st of May, 1670. Lady Elizabeth Percy, his only daughter and heir, married Charles Seymour, (called the proud,) Duke of Somerset; whose son, Algernon, was the last of the male descendants of the protector-duke, by his second wife, Anne Stanhope; and whose daughter and heir † married Sir Hugh Smithson, and was grandmother of the present Duke of Northumberland. Thus seven out of twelve died violent deaths—and thus came to an end the male line of this once flourishing and numerous family.

Charles *Nevile*, the last Earl of Westmoreland of that most ancient and most historic family, being engaged with the Earl of Northumberland, in the northern insurrection, 1568, fled to Scotland, whence he found means to convey himself to the Netherlands, where he died under attainder about 1584, leaving several daughters. A claim to the earldom was made by some of the collateral male branches, but without success. (*See Lord Coke's Reports.*) Sir Thomas Fane having married the heiress of the Lords Abergavenny, that family took the title of Westmoreland on their elevation to an earldom by King James I.

The illustrious house of *Courtenay* of England (whose precise connexion with the princely house of that name has been so well criticised by Gibbon in the digression introduced into his history regarding that branch of the royal family of France) were created *Earls of Devonshire*, 1335, 9 Edward III., forty-two years before the Percys were raised to an earldom. These also, like the Percys, came commonly to violent ends. Thomas, sixth Earl of Devonshire, was beheaded 1462, being taken prisoner at the battle of Towton. His brother, Henry, seventh earl, was beheaded 1466, in the cause of the deposed king, Henry VI. His brother, John, eighth earl, was slain at the battle of Tewkes-

* His brother-in-law, Robert Sydney, Earl of Leicester, in a letter dated the 29th of September, 1659, uses these beautiful expressions to him:—

'Of the few persons that I consider in this world, your lordship hath my greatest estimation; and of the few things I value in this life, your favour is placed by me in the most high degree. I am very tender of both, and do passionately desire the conservation of the one for the good of many, and the continuation of the other for my own contentment.' This style proves how nearly alike is the genuine language of able and feeling writers at the distance of nearly two centuries.

† On the death of Duke Algernon, however, Petworth, &c., passed into the family of Sir William Wyndham, who had married, in 1708, Lady Catherine Seymour, second daughter of the proud Duke of Somerset and the Lady Elizabeth Percy.

bury,

bury, 1471. Sir Edward, grandson of Sir Hugh Courtenay of Haccomb, (second son of Edward, grandson of Hugh, second earl,) was restored to the earldom of Devonshire, 1 Henry VII., and was father of William, tenth earl, who married the youngest daughter of King Edward IV.—a most unfortunate match for him, as it was the cause of his being kept in prison several years by King Henry VII.; of his son's being beheaded by King Henry VIII.; and his grandson's being a prisoner almost all his life; Lord Bacon remarking that the king was resolved to depress all the chief persons of the line of York. This earl was imprisoned from 1502 till the king's death, 1509. He died 1511. His son, Henry, eleventh Earl of Devonshire, was created Marquess of Exeter, 1525; and was beheaded for treason 1537. His son Henry Edward was restored as twelfth earl, and second marquess, by Queen Mary, 1553. Holinshed says that the queen had cast her eyes upon him with some degree of affection; but finding he preferred her sister, the Princess Elizabeth, she looked upon them with an evil eye ever after. Mary sent him to the Tower; but he was released by the intercession of King Philip. He then resolved to go beyond the sea, where he fell sick at Padua, and died—not without suspicion of poison, 4th October, 1566. From twelve years of age he had scarcely enjoyed two years of liberty. His great estate was divided among the four sisters of his grandfather. The male posterity remained at *Powderham*, in the descendants of Sir Philip Courtenay, sixth son of the *second* earl. This Sir Philip was appointed Lord-Lieutenant of Ireland in 1383, and died 1405. His son, Sir John Courtenay, was great-grandfather of Sir William, called *the Great*, who died 1535, and was grandfather of that Sir William who, being one of those who undertook to carry over settlers for the better planting of Ireland in 1585, laid the foundation of the great estate in that kingdom enjoyed by his posterity; and who died in 1630, aged seventy-seven. His son Francis was great-grandfather of Sir William Courtenay, whose son, Sir William, was restored to the peerage by the title of Viscount Courtenay, 2d April, 1762; and died a few weeks afterwards.

The great family of *Clifford*, who, with the Neviles, were the rivals of the Percys in the north, had suffered so much for the house of Lancaster, that they were highly favoured by the Tudors, and were advanced to the rank of Earls of Cumberland, 1525. Their story has of late been rendered popular by the eloquent and romantic details of them from the pen of the late Dr. Whittaker in his History of Craven; and the *Shepherd Lord*, above all, has been immortalised by Mr. Wordsworth in one of the finest lyrics in the language. The unstained antiquity of their race; their vast estates; their feudal splendour; their chivalrous

actions, their enterprising spirit, and accomplished minds; soldiers,—philosophers,—maritime discoverers,—the sharers and rivals of the royal blood, they dwell upon the memory with an unfading radiance. The marriage of Henry, second earl, with Lady Eleanor Brandon, the daughter and co-heir of the Princess Mary Tudor, for some reason not explained, does not appear to have raised the same jealousy and resentment of Queen Elizabeth as the runaway alliance of her cousin Lady Catherine Grey with the Earl of Hertford.* The Earl of Derby, however, fell a victim to this descent, by the hands of the Jesuits.

Thomas *Manners*, Earl of Rutland, so created 1525, was son of George Manners Lord Roos, by Anne, daughter and heir of Sir Thomas St. Leger, by Anne Plantagenet, sister of King Edward IV.; but notwithstanding this alliance with the house of York, the Earls of Rutland were not oppressed by the Tudors. The daughter of this earl was the first wife of George Talbot, Earl of Shrewsbury, who, in his second wife's time, had the custody of Mary, Queen of Scots, committed to him.

John *De la Pole*, Duke of Suffolk, having married another sister of King Edward IV., the fate of this family, on the accession of the Tudors, is marked by attainders and blood.

Sir Richard *Pole* (of another family) married Margaret, Countess of Salisbury, daughter of George, Duke of Clarence, and was beheaded 1541. Her son, Cardinal Reginald Pole, filled a busy part at this time.

The families who flourished most in Elizabeth's reign did not partake (at least not nearly) of the royal blood. The *Veres*, Earls of Oxford, which had for ages been the most ancient earldom of the kingdom at that time surviving, were indeed greatly curtailed in their estates; but Earl Edward, the poet, made amends by his genius and accomplishments, and by his marriage with the daughter of Burleigh. Naunton has given lively characters of the successful career of the Lord Treasurer *Powlett*, Marquis of Winchester, and *Herbert*, Earl of Pembroke; the two *Devereuxes*, Earls of Essex, father and son, are familiar to all; and the memory of *Ratcliffe*, Earl of Sussex, will always be cherished from the beautiful portrait drawn by Lodge. Of the thirty-nine barons, sixteen belonged to the Plantagenet dynasty, and were not of any great personal eminence, unless the *Greys of Wilton*, the *Blounts* and the *Cobhams*; but almost all of them were of venerable antiquity, and possessed that sort of feudal property, which, unless counteracted by gross misconduct, secured respect and the willing submission of the classes beneath them. The queen's reserve in conferring the peerage has always been

* Mr. Hallam has related this affair at length in vol. i. of his *Constit. Hist.* See also Hargrave's *Law Tracts.*

matter

matter of common remark. Of the three on whom she bestowed it early in her reign, two were related to her on the mother's side, —*Sackville* and *Carey;* and *St. John*, by Beaufort, her paternal grandmother; but they were all the representatives of eminent families, and Sackville, especially, was a statesman, a scholar, and a poet of sublime genius. *Compton* was the head of a feudal family, very ancient, and of a vast estate; he possessed manors in twenty counties,—a property which, if united in the present day, would, it is said, be the greatest in the kingdom. The other three were, the laborious and wise minister, Sir William *Cecil*, who won the boon by a life of the most painful and unexampled services; *Norreys*, a brave soldier; and Lord William Howard. Sir Robert Sydney, the illustrious Raleigh, and other powerful men, aspired in vain to this rank during the politic queen's life. She deemed even the honour of knighthood a sufficient distinction. But she went further: she had the ungenerous policy of endeavouring to weaken the power of her hereditary peers, by taking advantage of their hospitality to impoverish them.

King James ascended the throne with different feelings, and a character most contrasted to Elizabeth's. He has been blamed for his great profusion of honours; and what is worse, and quite unpardonable, for putting them up to sale. The truth of this latter charge, in certain instances, in the course of his reign, cannot be doubted, when we read the facts related in '*Gervase Holles's Memoirs;*' but the accusation of profuseness has been pressed with an inconsiderate severity. The queen had certainly been too sparing; and the new monarch ascended the throne under circumstances which rendered it both impossible and unwise to pursue the same policy, even had it been prudent in his predecessor. He owed rewards to those who facilitated his establishment in a crown, to which there were many dangerous obstacles—now forgot—but which then rendered his title precarious. It is true that he made ten barons at once; but his choice could not be called in question, or ascribed to corrupt motives. These were that able statesman, Secretary Cecil, *Egerton*, lord keeper, Sir Robert *Sydney*, Sir Edward *Wotton*, Sir John *Harrington*, *Grey* of Groby, son of the attainted Lord John Grey, Sir William *Knowlys*, Sir William *Spencer* of Althorpe, Sir John *Petre*, and Sir Richard *Fienes*, restored to the title of Say and Sele. All these were of historic families, and men of great personal weight. Nearly at the same time, *Gerard* of Gerard's Bromley, *Grey* of Werke, *Stanhope* of Harrington, *Arundel* of Wardour, *Cavendish* of Chatsworth, and Sir George *Carew*, an able diplomatist, were elevated to the peerage. The king was for some time sparing of the English peerage to his own countrymen; but he granted it to Hume, Hay, Bruce, Ramsay, the Dukes of Lennox

Lennox and Hamilton. His favourite, Robert Car, was in due time loaded with English honours and English estates. Sir John *Holles*, a Nottinghamshire knight of great estate, and great personal spirit and abilities, but sprung from a citizen—bought himself a barony and an earldom, and laid the foundation of the great power of the *Pelhams*, which, in the last century, so long aided to rule the state. Sir William Cavendish, nephew to the Earl of Devonshire, was confirmed in the barony of Ogle; and, as Marquess of Newcastle, was memorable in the next reign for his loyalty. His rental, at the commencement of the civil wars, amounted to 22,000*l.* a year,* of which the annual value would, in these days, be nearly 200,000*l.* The story of *Villiers* is too trite to be detailed here. The character of his antagonist, *Digby*, who was created Earl of Bristol, and who was an eminent diplomatist, is less known. But the splendour and the disgrace of the reign was *Bacon*, whose name has, by its extraordinary lustre, had the singular effect of effacing the title of his peerage. It was in this reign that the *Montagues* attained their two first peerages. Two instances only occur of *parvenus* families having acquired this rank from King James: the case of Baptist Hicks, a rich citizen, created Viscount Campden, with remainder, however, to his son-in-law, a branch of the ancient race of *Noel;* and the case, still more striking, of Robartes of Cornwall,—a man who, from a very low origin, had enriched himself by the mines; and as to whom it was made a charge against Villiers in the Commons, that '*the said duke, knowing him to be rich, had forced him to take that title of honour, for which, in consideration, he paid* 10,000*l. to the duke's use.*'

The necessities of King Charles's reign drove him to grant patents of peerage in abundance, and he bestowed not less than fifty-six; but they were almost all selected from the ancient and well-allied gentry of the first condition, and of good estates. *Ward*, indeed, the son of a rich goldsmith, was made a baron, but he had married the heiress of the ancient barony of *Dudley;* and the *Cravens* had just emerged from the city, but they showed a chivalrous spirit, and were initiated in all the splendours of the court. It is very singular, that of these fifty-six peerages, all but six are now extinct.

King Charles II. created about forty-eight peers, who began to depart, in a more marked manner, from the classes from whom the peerage had been taken in former centuries. They were, for the most part, of honourable, and sometimes of noble descent; but they were not equally the representatives of old feudal property, being rather men who had been enriched by themselves, or within a generation or two, by offices, places, professions, or

* This is the statement made by his wife, in her curious Life of him.

marriage.

marriage. There were, however, exceptions, such as the *Granvilles*, Earls of Bath, the *Ratcliffes* of Derwentwater, the *Newports*, *Booths*, and *Lees* of Ditchley.

King James II., in his four infatuated years, elevated no family of consequence but *Waldegrave*.

King William created about twenty-four peers. Of these were the Dutch families of Bentinck, Nassau, Keppel, and Auverquerque; besides whom, the most distinguished have been, Vane, Lowther, Ashburnham, Somers, Godolphin, Jersey, and Fermor.

The number made by Queen Anne was about twenty-three. Among these were Pelham, Harley, Bolingbroke, Harcourt, and Cowper, of whom the four first, in addition to the high places they attained in the state, were of the first quality from the earliest times of the Norman monarchs. But a circumstance occurred in the latter part of this reign, which demonstrates how different the public opinion then was on a constitutional question, to which the people are now familiarised. In 1711, twelve peers were created at once, for the purpose of giving a majority in the upper house. This affords us an opportunity to repeat what Johnson's opinions were of the qualifications for the peerage.

'Next year,' (1711,) says he, in his life of the poet, George Granville, Lord Lansdowne, 'when the violence of party made twelve peers in a day, Mr. Granville became Lord Lansdowne, Baron Bideford, by a promotion justly remarked not to be invidious, because he was the heir of a family in which two peerages, that of the Earl of Bath, and Lord Granville of Potheridge, had lately become extinct.' But this promotion of what was then considered so large an addition, was deemed such un undue stretch of power—such an abuse of the prerogative,—that, in 1718, a bill was brought into parliament, supported by the minister, and even with the king's consent, limiting the House of Lords, after the creation of a very few more, to its actual numbers. The bill went through the upper house. The main argument was founded on this alleged abuse of the prerogative on the part of Queen Anne's ministers; 'and as being a resource,' says Hallam, 'which would be always at the command of successive factions, till the British nobility might become as numerous and venal as that of some other European states.' However, Mr. Hallam himself argues against the limitation, as tending to an unconstitutional monopoly. Numerous warm pamphlets* on the subject of this bill were published on both sides. Addison and Steele took opposite parts; and it caused a breach of their friendship.† It cannot be surprising that the bill

* One of the best of these tracts—full of research, but little known—was written by Richard West, afterwards Lord Chancellor of Ireland, who married the daughter of Bishop Burnet, and was father of Richard West, the poet, the friend of Gray.

† See a long account of this dispute in Johnson's Life of Addison.

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was rejected by the Commons, who could scarcely have so stultified themselves as to have passed it. If ministers abuse the prerogative, they are responsible; but to limit it *à priori*, would have been an essential change of an undoubted part of the constitution, and would have given the existing peers a dangerous degree of exclusive power, while it would have closed the door to the highest services, unless a vacancy should have occurred at the crisis. It cannot be wondered that the nation should be jealous of the use of this prerogative, when affecting measures in disputed progress. The different branches of the legislature ought to exercise independent judgments on the matters which come within their respective jurisdictions; and this would be completely overturned in one of these branches, if the crown were in the habit of pouring into its chamber purchased votes, by the unrestrained creation of new members. The twelve peers thus made by Queen Anne were, however, for the most part, selected in a way which could be little offensive to the prejudices of the people. There were two eldest sons of English peers, (which were mere anticipations,)—two Irish peers,—the eldest son of a Scotch peer,—the Chief Justice of the Common Pleas,—three baronets, of whom two were of very ancient families and large fortunes,—the collateral male of an earl of a most historic race,—a distinguished courtier, celebrated by Pope for his high accomplishments and virtues,—and a very rich untitled commoner, whose ancestor had made an enormous fortune by his iron-foundries, about half a century before.

On the accession of the house of Hanover,—especially after the violent factions which had disquieted the latter days of Queen Anne, and left a powerful party opposed to the new dynasty,—there was a strong temptation to confirm, by honours and privileges, the attachment of those powerful families who had exerted themselves against the vigorous efforts of the exiled princes. But so far was this from being used, that Lord Sunderland, the minister, in 1718, brought in the peerage bill already mentioned. Seven peerages were conferred in 1715, by calling up the eldest sons of two English peers, giving seats to three Irish peers, and elevating two commoners—Henry Boyle, who had formerly filled the office of Chancellor of Exchequer, and Lieutenant-General Sir Richard Temple, of Stowe, in Buckinghamshire, whose peerage was, in 1718, extended to his sister Hesther, the wife of Mr. Richard Grenville,* of Wotton, in Buckinghamshire, on whom the honour devolved, on her brother's death, in 1749; from which time the Grenvilles have held a powerful rank in the state, much augmented

* This family of Grenville, of Buckinghamshire, must not be confounded with the Granvilles, of Devonshire, Earls of Bath.

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by honourable and wealthy marriages, and the severe application of their talents to the high duties of government: so that this single promotion may, without exaggeration, be said to have had a material influence on the two greatest political events of the Old and New World which have since occurred,—the American war, and the French revolution, which partly sprung out of it. The number of peerages granted by George I. was about twenty-four, of which one or two, at least, have incurred the charge of venality. They were principally political or legal peerages, in which regard was paid to birth, and hereditary pretensions of office and service. The extinctions were nearly as numerous as the grants; so that the upper house was still but little augmented.

George II. did not make more than about thirty-two peers. Of these, about five were country gentlemen, of ancient family and good estates; four were eminent lawyers; the Walpoles, Pulteney, Lyttleton, and Harrington, were statesmen of celebrity; two, at least, had brought their riches to the market of honours from the city; six were extensions of expiring honours to the female line; five were Irish peers; and two were naval and military honours. Such was the decay among the old titles, that nearly an equal number had expired. But some of our most powerful existing peerages are among the number created in this reign—for example, Northumberland, Fitzwilliam, Egremont.

The conduct of the ministers of George III., during the first twenty-three years of his reign, was very much in the same spirit of selection, and moderation of numbers. The first creation did not exceed six, among whom were three of the richest commoners —Spencer, Grosvenor, and Curzon; with a diplomatist, a courtier, and the wife of the illustrious Pitt. Then came the wealthy Sir William Courtenay, whose great name had been so cruelly, for two centuries, excluded from the peerage; the Countess of Bute; the wife of Henry Fox; Bubb Doddington, and Lord Egmont, who had both been so long soliciting the honour in vain; an extension of the Pelham barony; and Vernon, a country-gentleman of a venerable name. Pitt and Fox themselves were soon after willing to repose in the upper house. The name of Digby was now replaced in this house; the honours of Maynard and Ducie were extended; the popularity of Pratt was rewarded with a coronet and the woolsack; and the Duke of Argyle was made Lord Sundridge. The rich Damer, also, who, having married the Duke of Dorset's daughter, had first obtained an Irish barony, was now elevated to the English house. The barony of Bingley was likewise revived in Mr. Lane Fox; and in 1776 Lord Marchmont's son was made a peer; together with Admiral Hawke; General Amherst; the son of Chief Justice Sir Dudley Ryder (who

(who had died in 1756, while his patent of peerage was making out); the son of Sir John Cust, who had died in the office of Speaker, in 1770; Mr. Foley, of Worcestershire, the collateral heir to an expired peerage; and Mr. Pitt, of Stratfieldsay, a diplomatist. In 1778, Thurlow obtained a coronet, with the seals; and in 1780, similar honours were conferred on De Grey and Wedderburn, successive Chief Justices of the Common Pleas; in which year, also, were elevated, Fitzroy, Herbert, Brudenell, Rice (a name which had been adorned with the Garter by Henry VIII.), Baroness Dynevor (the daughter of Earl Talbot), and Sir William Bagot, of a large property, and of a name and descent so ancient, that the mighty and ducal house of Stafford sprung from one of its younger sons. The splendid naval victory of Rodney secured this reward for him in 1782; and Lord George Germaine was made a viscount, by the king's especial favour. Norton, the speaker, whose ancestor had carried the standard in the famous insurrection of the Earls of Northumberland and Westmoreland, 1568, was made Lord Grantley, in the same year; and on the fall of Lord North's administration, Mr. Thomas Townshend and Lord Rawdon were made peers; and by the favour of Lord Lansdowne, Dunning, a lawyer of great eminence, but low origin, was elevated to the same dignity. We have thus arrived at forty-three creations; but during the same period thirty-three had become extinct.

Here we pause. A new era began with Mr. Pitt's administration; and as the change has been great in its effects on the whole moral, political, financial, agricultural, and commercial state of the country, it is necessary to examine it with some attention. Fox's East India Bill opened the premiership, as is well known, to Mr. Pitt. The struggle of parties at that crisis convulsed the nation. It was but the mode in which the long conflict of three separate leading interests, after having struggled from the commencement of the reign, were brought to a point;—the Church-and-King, or Tory party; the Whigs, or aristocratic party; and the popular, including the commercial, party. The Whigs and the people had joined for a long while, but not with perfect cordiality: by a strange collection of coincidences, the first and last were now joined. It is not easy to see with perfect clearness the course which the prerogative now took in the grants of the peerage, without going back to the very beginning of this reign. At that time was laid the foundation of the peculiar spirit of those parties which raised, in Mr. Pitt, a ministry of a new character, strongly operative on the future political and moral state, not only of Great Britain, but of almost the whole civilized world. Whether just or unjust, the popular belief, that Lord Bute had instilled arbitrary principles into the young king, could never be obliterated. The retirement of Mr. Pitt,

Pitt, the father—Lord Bute's appointment to the premiership—Mr. George Grenville's succession to him—and the formation of the Rockingham administration, with its early fall—all augmented it, even to fierceness. Wilkes, a factious and unprincipled demagogue, blew it into a flame, by his 'North Briton.' The Whigs were delighted to see the power of the crown attacked and weakened; and as the ministry, in the warmth of their resentment for the affronts now received, pushed the process of *search-warrants* to an extent which was considered illegal, and contrary to the spirit of the constitution, the great body of the opposition set up this dangerous man, whose wit and social qualities eminently fitted him for the career on which he had entered—as a victim to his patriotism. In the eagerness of their jealousy of the crown, they did not exactly distinguish the ill agreement of their own true principles with those of the party they espoused. Of this powerful array of rank, birth, and property, of which the Marquess of Rockingham was the nominal head, the animating spirit, the oracle which chiefly informed them, was Burke, who had entered public life as the Marquess's secretary. Burke's principles were essentially aristocratic; he loved liberty with sincerity, and even with enthusiasm; but he believed that it was best secured by the predominant influence of a rich and well-descended aristocracy. This is sufficiently attested by his celebrated pamphlet, '*On the Popular Discontents*,' published at this crisis. His arguments, his high and profound philosophy, his refined sentiment, his splendid and poetical imagination, his beautiful language, were all distasteful to the multitude. They accepted his aid, and hailed the mighty advocate who joined them in opposition to the crown; but it was with a secret repugnance, which might shew itself at some future day, when his support should have ceased to be necessary. Then came the American war, growing out of the weak and fatal measures of that administration, against which, from his very political outset, he had been most passionately engaged. To that war, so blindly entered upon, so feebly and ignorantly conducted, Burke's opposition was as violent, and even furious, as it was able in matter and rich in oratory. The passions and opinions of the people came, by degrees, to be equally hostile to this war; and once more the Whigs and the body of the nation seemed to be engaged in a common cause. The Americans, to justify the separation from the mother-country, which, probably, they did not originally contemplate, but to which they were gradually urged by the obstinacy of the ministry, and encouraged by the declamations of the Whigs in parliament, resorted to those republican doctrines, which from that moment began to be disseminated through Europe with so much industry, so much artifice,

artifice, and so much talent. Wilkes had confined himself to render the British government odious by wit or scurrility. In the present contest, the discussions took a far wider and deeper field. But, indeed, Wilkes had not stood alone in his war of personalities. The sharp and poisoned razor of *Junius* had cut to the heart, and touched all which was sacred, with a most unhallowed edge. Its mangling and scornful wounds had exposed to the hatred and ridicule of the public, a majesty which deserved the most opposite treatment; and no doubt infused into the bosom of a venerable and most conscientious sovereign, anxieties, sorrows, and disgusts, which contributed to so many long years of inexpressible suffering.

This combination of causes had indisposed the people to the upper ranks of society; but more, hitherto, to the crown than to the aristocracy, of whom it was taught to hate and calumniate individuals, but not the whole order. The landed property, though not improved, and not in such powerful masses as in more feudal times, was still steady, and competent to the various ranks of its possessors. Each rank had its distinct limits, which it preserved without offence or mortification to those below it. The door of no rank was shut to merit, even of the most humble birth, in a liberal pursuit; and mere riches had then at least their full share of power, notice, and influence. Such, indeed, is the direct and irresistible strength of money, that in no country has it ever wanted its just degree of distinction and command. Taxation was yet comparatively light; and the great landed estates, with their strength little weakened or drawn upon, left the possessors, not only in independence and ease, but with the means to support that hospitality and splendour of establishment in the country, which had the most beneficial influence in making rank respected, and keeping the different orders of society in their place. That restless ambition and vanity of every station, which is the fever of the present day, had not then been excited; the dignity of the high was not assailed in every direction by the petulance of the low; nor their ancient patrimonies forced forward into the melting-pot, by the provoking luxuries and insolent ostentation of the sudden wealth gained out of the public loans by the organised agency of money-dealers, or by the gamblings on the stock-exchange of persons of the obscurest birth and meanest qualities. The peasantry then enjoyed the blessing of the distribution among themselves of a great part of the incomes derived from their labours. They looked up contentedly to long-established families, sanctioned by rank and rendered authoritative by ease and affluence. This respect, this 'sober certainty' of a tranquil and simple though humble dominion, satisfied the beneficent

ficent and virtuous ambition of most of those names of honourable inheritance, whose rent-roll of fair extent had devolved upon them the means of supporting, without imprudence, the costs of the long-accustomed household. The government was not urged, by way of keeping its power, to yield to the intrigues for place, and the inappeasable solicitation for honours. The ancient gentry held their places in society free from irritation and care. The experience of the past year did not teach them that, by remaining quiet in their stations, they should see at the close of the next a still-increasing addition made to the number of their inferiors put over their heads.

The generation is nearly passing away which remembers how peerages, thus sparingly and guardedly conferred, operated on the public mind. The then influence of the nobility on society—let the new philosophy say what it will—was deeply salutary. In its political and legislative capacity, it preserved that barrier between the crown and the people, for which it was intended: its alliances, its passions, and its habits were not in common with that restless part of the state, whose early destiny and occupations put them into an habitual struggle for change and novelty; and who mingle servility and factious resistance so inconsistently as to have the evil of both and the good of neither of them.

Sound as this part of society yet was, there were still the ingredients of mischief so strongly altogether at work, as required a ministry of extraordinary courage united with extraordinary talent, sagacity, and knowledge. The rural population was good, but firebrands had been thrown into the towns. The Grafton and North administrations in no degree met the necessities of the crisis. The high offices were filled by nobles of some distinction, —for at that time a ministry made up of mere professional politicians, who had their fortunes to make, was not thought of—but they were mediocrists in ability, energy, and zeal of ambition and heart—men of a certain worldly adroitness, qualified for ordinary times and the common routine of affairs; a sort of easy optimists, who thought, as things had gone on, so they would go on still, in defiance of all casual difficulties and momentary impediments. In this way proceeded the American war, without foresight, vigour, or common management; a languor in every department —feeble commanders, listless and imbecile negotiators, ignorant financiers, and corrupt contractors; while a parliamentary opposition, composed of rank, property, talent, oratory, and wit, recklessly seized on every popular topic, to render the government odious or contemptible.

A war so conducted having led at last to the fall of the ministry, Lord Rockingham succeeded a second time to the helm, but he died

died in two or three months, and then the party broke into two: Lord Lansdowne jostled his colleagues; and William Pitt, at the age of twenty-four, became his Chancellor of the Exchequer. Such an appointment had never taken place before; nor is it probable one so wonderfully qualified at such an age will ever be found again. The son of a statesman, who had united more popular veneration with more brilliance of genius, and parliamentary eloquence with grandeur of mind and heart, than our history elsewhere affords, he had early exhibited the inheritance of these mighty and over-ruling gifts. Unrivalled quickness of apprehension, clearness of distinction and method, rectitude of judgment, and command of language, directed from infancy to all those objects which employed his father's mind as a statesman and a patriot; and all these set to work by the purest ambition, unmixed with the least foil of worldly advantage or selfish gain, introduced him in 1780, as soon as he was of age, into parliament, with every prejudice in his favour, and every eye and ear upon him. Such a weight of expectation would have sunk any other mind. On him it imposed a short pause: it was the silence that precedes the burst of the thunder and the lightning. From that day his future command of the House became already fixed. It is not strange, therefore, that Lord Lansdowne chose him for his coadjutor. But this ministry, made up of only the weaker portion of its own party, could not stand against a COALITION of the stronger portion with the Tory minister whom Lord Rockingham had driven out.

An administration was now formed, composed of such an union of genius, talent, rank, property, acquirements, activity, experience, and ambition, as seemed to promise irresistible strength and permanence. But it is probable they were themselves aware of internal proofs of weakness, which they set themselves to remedy by extraordinary means. They could not gain the confidence of the king, who felt an immoveable antipathy to Fox, and a keen resentment against Lord North for joining him. The monarch firmly refused to make a single peer of their recommendation. Of the people, on whose favour they had hitherto relied, they utterly lost the respect and good opinion, by a junction which put all principle at defiance, and showed that all their vehement professions had been mere empty words, used as instruments of their own private purposes. The people did not fail now to look to their aristocratic characters and habits, to their birth, alliances, titles, territories, studies, turns of mind, principles of argument, and style of language. They began to conclude, that when these Whigs set themselves forth as the boasted advocates of liberty, and controllers of the arbitrary measures of the crown, it was not to give freedom

freedom to the people, but to usurp power for themselves, that their clamours and energies were directed. The ministers, aware of this, resolved upon the bold measure of the *East India Bill*, by which they would have seized the Company's charter, and secured to themselves the whole wealth and patronage of that great empire, from which time they might have perpetuated their own tenure of the reins of government. This added tenfold confirmation to the already deep and settled suspicion of the people.

The bill, of course, roused into arms the numerous interests connected with the India House; and Burke has described, with all the energy of his copious and picturesque language, how widely spread through all the busy classes, and all the gentry of the kingdom, those interests were. The combustibles were scattered in every direction, and the fresh fire of a youthful genius, like Pitt, set them instantly in a blaze. Parliament was dissolved, and in all free places the Whigs lost their election. The tide was turned, and the people took the part of the crown against the ejected ministers. Every thing had for some years been declining in our state affairs, in our trade, in our manufactures and agriculture, except in India, which had been under the management of a commercial body whom the people considered a part of themselves; and the Whigs were they who would now wrest from them India! But the bill had already passed the Commons before the dissolution took place. It was in the Lords that it was thrown out. It might seem, therefore, that it was not in spite of the aristocracy that Mr. Pitt rose into power, but by their aid. This, however, was not the fact. The aristocracy, combined against the crown, were powerful in both houses; but this bill would have raised an exclusive *oligarchy*, not merely alarming to the king, but to the majority of the peers; and the alarm taken by George III. was luckily communicated to this other branch of the legislature in time to save the constitution.

This defeat of the Whigs, therefore, took place by the union of the crown, the people, and the majority of the aristocracy, against the grand and leading party of that aristocracy. One of those private notes of the king to Mr. Pitt, which form the most valuable part (perhaps the only valuable part) of Bishop Tomline's Life of the Minister, was written on the occasion of the address proposed to be moved on the 4th Feb., 1784, containing the resolution, that 'the undoubted authority of appointing to the great offices of the executive government is solely vested in his Majesty,' &c. And these are the memorable words of George III.—

'I trust the House of Lords will this day feel that the hour is come, for which the wisdom of our ancestors established that respectable corps in the state, to prevent either the crown or the commons from

from encroaching on the rights of each other. Indeed, should not the lords stand boldly forward, this constitution must soon be changed; for if the two only privileges of the crown were infringed,—that of negativing bills which have passed both houses of parliament, and that of naming ministers to be employed, I cannot but feel, as faras regards my person, that I can be no longer of utility to this country, nor can with honour continue in this island.'

The address was carried by a great majority.

Though the vote of the Lords had thus come in aid of the crown, and of Mr. Pitt, who had now become prime minister, yet his resentment or disregard of the haughty junto of the aristocracy thus baffled seems to have extended itself to the whole body. Bishop Tomline says—'Some years afterwards, the head of one of the oldest families in the kingdom, and who had been an uniform opponent to Mr. Pitt, said to me, in conversing upon the struggle, "*Mr. Pitt beat the whole aristocracy of the country.*"' In truth, having learned from his father, that genius, brilliant oratory, and a grand ambition, could rise in the state by their own intrinsic force, above any combination of rank, blood, and property; and now strengthened and encouraged by the extraordinary coincidences which had lifted himself at once to the pinnacle of a subject's desires, he did not regard the aristocracy in that important and dignified light, which the essence of the constitution, and the high duties imposed on this branch, demand. He did not exactly, nor perhaps even remotely, foresee how the weapons, which, after having been used by the Whigs to oppress the crown, had been turned against themselves, were now collecting and sharpening for a contest, which would absorb all minor interests in the danger of universal anarchy, and carry him to his grave in his forty-seventh year, by the appalling news of the battle of Austerlitz!

The part which Mr. Pitt took on the occasion of the East India bill was dictated by the imperious course of events; but it required very extraordinary courage and firmness, and the most clear and energetic eloquence, to render that part successful. To the sagacity and bold resistance of the king, without which even this enlightened young statesman would have desponded, must be attributed the encouragement which enabled him to oppose successfully a combined force of such formidable array.

Though Mr. Pitt had on this occasion defeated the Whigs by means of the upper house, he found a new House of Commons the stage on which he was most willing to concentre his future strength. In truth, he seems never to have had a full reliance for the future on that support of the peers, which a particular occasion had called forth. Most of the great houses, except Rutland, Northumberland, Gower, and Lonsdale, were against him;

him. His father had always been too grand, and too justly proud, to court rank and wealth; and they impeded the bold view he took of things, and embarrassed the enterprising and new career which the son of Chatham was now resolved to pursue.

On Mr. Pitt's elevation, four peerages were created—the Barony of Louvaine granted to the Duke of Northumberland, with remainder to his second son, Lord Algernon Percy; of Carteret, to Lord Weymouth's brother; of Camelford, to Mr. Thomas Pitt; and of Eliot, to Mr. Eliot, of Port-Eliot, all in January, 1784. Fox, in one of his vehement speeches, bitterly reproached the minister for using the prerogative of the crown unconstitutionally, in the grant of these honours, as a corrupt instrument of his own advancement. But Pitt was not deterred by this from adding eight more in April, when the parliament was dissolved — in the Dukes of Gordon and Athol; in Viscount Bulkeley, an Irish peer; Sir James Lowther; Sir Thomas Egerton, (who was heir, by female descent, to the ancient Barony of Grey de Wilton;) in Sir Charles Cocks, (the representative, in the female line, of the great Lord Somers;) Mr. Hill, late M.P. for Shropshire; Mr. Parker, late M. P. for Devonshire; and Mr. Dutton, late M. P. for Gloucestershire. This was the commencement of that profusion of honours among men, not of any great distinction as public characters, which has continued to go on at an accelerated rate. We have seen what a clamour this raised in the reign of Queen Anne; and it was not unnatural for the flower of the old aristocracy, now mortified and defeated, to take this occasion to inflame the public mind with argument, declamation, wit, and ribaldry; they had the example of more sober times. The Dukes of Devonshire, Portland, Bedford, and Bolton; Lords Derby, Fitzwilliam, Surrey, Spencer, &c., surrounded by Fox, Burke, Windham, Sheridan, Fitzpatrick, Lord John Townshend, &c., made a most formidable alliance of offence; while French Lawrence, whose indefatigable genius could draw political intelligence as well as abstruse learning from all sources, bound together in *The Rolliad* and *Probationary Odes* such an assemblage of spirited satire and ridicule, as would have sunk any minister of less courage and less manly and direct force of talent than Pitt. In fact, the premier—more, perhaps, by the burst of the occasion than by any premeditated principle—had filled the House of Commons (with whom now lay almost all the business of the state) with a class very distinguishable from those of former times—men more interested in the details of the bureau than in any higher matters; men with whom the *quærenda pecunia primum est* was the motto. A vast addition of men from the city, East Indians, professional adventurers, and

young men of all sorts were introduced, and at once became prominent on the stage. There had never before been such a change in any new parliament. It is not too much to say, that this had an immediate and strong effect on the whole manners of society; altered the general mode of thinking and talking with regard to rank and station, and removed many barriers which it has been the fashion of our times to deem useless and even offensive, but which experience has found to be attended by many advantages. Mr. Pitt, endowed with genius, accomplishments, virtues, and strength of mind, above all titles and all riches, and all reflected honours, was apt to forget that these aids might be necessary to others, though not to him. Thus entering into power in all the freshness of youth, hope, and vigour, with the nation at his beck, yet self-dependent, unclogged, and fearless, he infused new life into all the offices of government. Enterprising himself, and raised to the premiership partly by the commercial interests, he gave access to them with intelligence, and dissipated the languor under which trade had long been suffering. He was a disciple of the new philosophy, and an adept in the school of Adam Smith. Rank, and honours, and lazy luxuries, the trifles and vanities of life, had no charms nor weight with him: his mind was full of the glories of peace; of revenue and production, colonies and commerce. He had on his lips and in his heart the trite quotation—

——'quæ non fecimus ipsi
Vix ea nostra voco.'

The apparent change in all classes of society, the demand for labour, the buildings, the machinery, the improvements in agriculture, the cultivation of waste lands, the extension of credit, the abundance of capital, the establishment of country banks, gave a confidence to this celebrated statesman's administration, which few were inclined to question. All the long-accustomed respect for the higher classes, whom the fortune of birth and not their own personal exertions had placed in their present station, suddenly diminished, and in a few years became nearly extinct. No one will deny that nobility and hereditary wealth may be abused; or that the inebriation of honours and riches, which thinks that it may be vicious and foolish, and yet not be despised and shunned, is an intolerable grievance. But perhaps the star: of activity through the veins of the state, was rather the quick and violent movement of a fever, than the free but temperate circulation of the blood of a healthy body.

Did Mr. Pitt examine what was going on in France with his usual sagacity and intentness? It may at first appear as if the lesson there taught enforced the wisdom of his views and his conduct. *There* the nobility were mainly contributing, by their apathy, their follies,

follies, their vices, their corruption, to feed the destructive storm which was soon to burst over their heads; *there* the alternation of arbitrary severity and pusillanimous concession rendered both doubly mischievous; *there* a minister was taken from a counting-house to govern the state; and yet no one was admitted to the rank of commanding a company of the army, who could not prove a nobility of three centuries! Such a state of things seemed to cry aloud for the adoption of an opposite course; and our minister flattered himself, that while France was doing every thing to nurse within her entrails her own downfal, in punishment of the unjust and ungenerous part she took against us in the American war, we were ascending the horizon in prosperity and glory, and should become still greater and brighter by the diseases and decay of our ancient rival. Burke saw better, that the mischiefs were not confined to France, but were contagious, and threatened the peace and governments of England and all Europe. A thorough reform in France was necessary, and the virtuous but unfortunate monarch was willing to grant it without bloodshed, and without the ruin of property and the overturn of all classes. But this would not answer the purpose of the instruments used. And it may be suspected, that the narrow views of Necker, and his horror of allowing its due weight to the aristocracy—not to call in question his good intentions—contributed mainly to those violences and those twenty-two years of devastating warfare, which have left such an intolerable load of debt on the back of England, and forced her manufactures into a state of false aggrandisement, far more frightful even than languor and debility. We have been accustomed to hear of fields smiling like gardens, and streets bursting with opulence—we hope that the fields of England may indeed continue to smile, and that our body politick may never exhibit the burst of apoplexy from masses of blood collected in wrong places! We do not think, therefore, that the events of France taught exactly the lesson which our illustrious statesman seems to have drawn from it; and we must also take leave to think that M. Necker would scarcely have committed the fatal errors he did commit, if he had been born and educated in a higher class of society!

We suspect, then, that Mr. Pitt did not exactly foresee the nature of the danger he would have to encounter; and that, when war became inevitable, he attacked France too much in a commercial spirit.* This was the spirit in which his whole government had been carried on for nine years, and the source whence a great part of his popularity had sprung. It is probable that, by looking less to immediate advantages than to remote consequences, the revolutionary rage might have been stopped more

* Burke could never bring himself to admire or approve Pitt's measures, even to the last.

 effectively,

effectively, and with less evils to England, in another way. It is true that our minister had to fight not only a furious enemy—a great people, desperate and reckless, *abroad*,—but a powerful faction—a poisonous and rapid contagion, *at home;* and the enormity of his defensive operations might be justified by more reasons than were professed. The people were kept busy; the national expenditure circulated within the kingdom; the pride and pomp of war, without the danger, flattered the imagination and the vanity, and amused the leisure, of the burly citizen and the washed artificer; and fraternization with French Jacobins was exchanged for animosity and defiance to the enemy, and loyalty to the crown, placed, by God's blessing, at that fearful crisis, upon a moral, virtuous, and venerable head. This profuse waste of the public purse led to the enrichment and sudden elevation of all sorts of contractors and money-dealers, and tended to a rapid change of property, and the degradation and impoverishment of the aristocracy. Mr. Pitt was apt to look on these effects as unworthy consideration; to think that coronets were cheap rewards, with which he might bribe the vain without any injury to his country; that it was not with the gentry or the peerage that the prosperity or the conduct of the state lay, but with the most enterprising manufacturers, the most adventurous merchants, the most skilful arithmeticians and financiers, and the most acute tax-gatherers. All, or most of these, are unquestionably very useful members of society; but there are others also, of a still higher cast, not less necessary. These are not the primary materials out of which statesmen are made.

The system of bringing the most powerful Irish peers into the English House of Lords seems to have commenced, in 1786, with the Earls of Tyrone and Shannon, in which year the same honour was conferred on the Scotch Earl of Abercorn; and Mr. Jenkinson, after a long and stormy political life, and General Carleton, Sir Harbord Harbord, and Sir John Delaval, (who had a few years before obtained an Irish barony,) were now elevated to the peerage. This amounted to eighteen, in an administration of little more than two years. At every subsequent general election, as well as at intervening periods, a large creation took place, of whom no small proportion were Scotch and Irish peers.

On the 18th of February, 1784, Mr. Pitt, in answer to Mr. Fox's assertion, that the majority of the Lords in favour of ministry was not respectable, said, 'Sir, if the Right Honourable gentleman will trouble himself with this kind of calculation, I am not afraid to match the majority there against the minority, either on the score of independence, of property, of long hereditary honours, of knowledge of the law and constitution, or of any thing that can give respect and dignity to the peerage.'

In the debate on the *Canada Bill*, 1791, Mr. Fox said, 'He saw

saw nothing so good in hereditary honours as to make him seek to introduce them into any country where they did not at present exist.' Mr. Pitt totally differed from Mr. Fox respecting the expediency of making the councils elective, and excluding all hereditary honours. He said, 'In the Canadas there ought to be hereditary aristocratical councils, answering to the British House of Lords.' On a subsequent day Mr. Fox admitted that 'Every part of the British dominions ought to possess a government, in the constitution of which, monarchy, aristocracy, and democracy were mutually blended and united; nor would any government be a fit one for British subjects to live under, which did not contain its due weight of aristocracy; *because he considered that to be the proper poise of the constitution—the balance which equalised and meliorated the powers of the two other extreme branches, and gave stability and firmness to the whole.*'

Mr. Pitt applauded these sentiments of Mr. Fox. He observed that

'True aristocracy gave that sort of energy, that sort of enterprise, which always make a country great and happy. It reflected lustre on the crown, and lent support and effect to the democracy; while the democracy gave vigour and energy to both, and the sovereignty crowned the constitution with authority and dignity.' 'The British aristocracy,' Mr. Pitt said, 'was respectable, not merely on account of its property, but also for its hereditary distinctions, flowing from the crown as the fountain of honour. It was, on that account, not less the poise of the constitution, as Mr. Fox had emphatically expressed it, than if the aristocracy had been elective; on the contrary, it was more so, because, according to the known genius and spirit of our constitution, monarchy was the source from whence the other parts arose; and therefore the more near the aristocracy was to the crown, the more immediately congenial would it be to the constitution itself, as originally planned and adopted by our ancestors. In that happy form, and constructed upon that wise principle, we felt the blessings of monarchy, aristocracy, and democracy, all united. He should lament, therefore, to create an aristocracy *by a selection from property alone*, or by making it *elective;* as, in either case, it would bring the poise *nearer to the people than it was to the crown* in the British constitution. He agreed with Mr. Fox, that *we could not give* * *all the respect*

* Madame de Staël's language on this subject is to the point:—'La réunion graduée des divers états de l'ordre social est une des admirables beautés de la constitution Angloise. Mais ce que l'usage avoit introduit en France, c'étoient deux choses, pour ainsi dire, contradictoires: un respect tel pour l'antiquité de noblesse, qu'il n'étoit pas même permis d'entrer dans les carrosses du roi sans des preuves vérifiées par le généalogiste de la cour, et qui remontoient au-delà de 1400, c'est-à-dire avant l'époque où les rois ont introduit les anoblissemens, et d'autre côté la plus grande importance attachée à la faculté donnée au roi d'anoblir. Aucune puissance humaine ne peut faire un noble véritable; ce seroit disposer du passé, ce qui paroit impossible à la divinité même; mais rien n'étoit plus

respect to a new nobility which belonged to an hereditary line of nobles, traceable to remote antiquity; but we could give the same degree of respect to it which had accompanied the origin of our nobility, and succeeding ages must bestow the rest. Hereditary nobility could, from its nature, be only gradual; and there was something, he thought, in the habits, customs, and manners of Canada, which peculiarly fitted it for the reception of hereditary honours. He was firmly persuaded, that an aristocracy derived from the imperial crown of Great Britain, would materially strengthen the connexion between the colony and the mother country. *The want of these honours had, he doubted not, accelerated the separation of the former American colonies.* He neither wished the aristocracy to be dependent on the crown, nor on the people; and though the present infant state of the colony would not supply a due proportion of peers, yet, as extension of commerce, and increase of wealth, would probably follow the introduction of the new constitution, it might be expected that, in process of time, there would be an hereditary aristocracy, clothed with the respect and influence which ought always to belong to that branch of a free government.'*

Here are the concurrent opinions of Mr. Pitt and Mr. Fox as to the proper nature and constitutional objects of a House of Lords. But notwithstanding this, it may be doubted whether there were not secret and incontrollable leanings in the head and heart of Mr. Pitt, which prevented him from subscribing with entire sincerity to the extent of the principles which he himself thus eloquently laid down. He had, we cannot but suspect, imbibed with his earliest breath a contempt of that aristocratical ascendancy, over which his great father had triumphed;† and it is quite certain that (to say nothing of his total neglect of the affair as to Canada) he did not pay much attention to these principles, in the elevations to the British peerage which took place in his ministry. It is true, that it was through the Lords, who threw out Fox's India Bill, that Mr. Pitt was fixed in his high station. How then, it might be said, could he disregard or humiliate a body who, in his opinion, had saved the constitution as well as confirmed his own power? But what, in *his* estimation, was his obligation to them?—that, in this case, they had taken the part of the *crown and the people* against an ambitious *faction* of the aristocracy. It did not follow that his attachment and respect

plus facile en France que de devenir un privilégié; et cependant c'étoit entrer dans une caste à part et acquérir, pour ainsi dire, le droit de nuire au reste de la nation, en augmentant le nombre de ceux qui ne supportoient pas les charges de l'état, et qui se croyoient des droits particuliers à ses faveurs.'—*Sur la Révolution Françoise*, ch. xvii. p. 197.

* Tomline, vol. iii., p. 222—226.

† See a curious character of this illustrious statesman and his domestic habits in Lord Waldegrave's Memoirs.

would

would foster them in tendencies that were more natural to them. His first colleagues were taken principally from among them; but this was from the necessity of the case. Nor does it by any means appear that they were men much in his confidence, or with whom he was willing to divide councils. In truth, one great secret of the vigour of his after administration was the unity and concentration of all the grand functions of the state, which would have been impossible in such diffusion of power among the departments, and in such independence of each, as we have witnessed under some of his successors.

Mr. Pitt laid the blame of supporting Fox's India bill on the particular house of commons, not on the *people*, to whom, on the contrary, he mainly assigned the ultimate consolidation of his own power. There was nothing, therefore, on this occasion which would necessarily alter his original feelings regarding the aristocracy. Perhaps he might attribute the salutary and effective part taken by the Lords on this occasion to an accidental state of things, which was never likely to recur. It gave, however, a lesson, which, some years afterwards, when revolutionary France refused a separate chamber of peers, ought to have shown it that it was refusing a sound foundation for the future permanence of a constitutional government.

In 1788, two diplomatists, a Chief Justice, and a General were raised to the peerage; and two peerages were extended in remainder to Mr. Neville who had married Lord Grenville's sister, and to Lord Howe's daughters. At the general election of 1790, eight peerages were granted; of which one was to a Scotch peer, and five to Irish peers; the two commoners were Douglas of Douglas, and Lascelles. At the end of the year, Lord Grenville was called to the Upper House on Mr. Pitt's quarrel with Lord Thurlow. In 1791, the Earl of Morton obtained an English peerage. In 1792, Miss Pulteney was made Baroness of Bath; and Lord Thurlow's patent was extended. In 1793, Lord Auckland was raised to an English seat. In 1794, when part of the Whigs came over to Mr. Pitt, ten peers were created: of these, four were Irish peers, to whom was added Welbore Ellis, one of the few relics of Lord North's shipwrecked adherents, with a remainder to his nephew, an Irish peer; four of the others were Whig country gentlemen, of large estates, whom the Duke of Portland had brought over with him. Admiral Lord Hood obtained this dignity in 1795. At the general election in 1796, fourteen were created at once. Among these were two Scotch peers, and five Irish peers; the remaining seven were principally great landed proprietors,—such as Mr. Rolle, and Mr. Campbell of Cawdor. But it is probable that this distribution raised the discontent

discontent of many others, who thought they had equal claims; for the very next year, 1797, which had in its early part conferred an earldom on Sir John Jervis for his great victory off St. Vincent, ten more were created, of which only two were Irish peers, and two were the heirs of forfeited Scotch peerages; one was a diplomatist, one an ancient Norfolk baronet, one a county member who had been among Mr. Pitt's most active opponents on his appointment to the premiership; one a political secretary, who had come by marriage into the estate of a great peer of the old nobility. At the end of this year the victory of Camperdown obtained a viscounty for Admiral Duncan. In 1799, Lord Eldon was promoted to the chief-justiceship of the Common Pleas, and a peerage; and the same year, the Irish chancellor, Lord Clare, was elevated to the English House of Lords. In 1801, a viscounty was conferred on Admiral Nelson for the glorious battle of the Nile; and the union with Ireland produced many more British creations: those of this year amounting to thirteen, of whom seven were Irish peers; to these were added the two generals Hutchinson and Grey, and the widow of General Abercromby; St. Vincent and Rivers were mere extensions.

Thus we have arrived at ninety-three new peerages in the course of seventeen years, during which not more than fourteen had become extinct. Here ended Mr. Pitt's first administration; and it is not necessary to proceed with the same particularity from that period: on the contrary, delicacy may require more general statements; as we approach the present moment, it may be said

——— incedo per ignes
Suppositos cineri doloso.'

It is sufficient, therefore, to state, that in the eighteen years which remained of this reign, fifty more peerages were created, and that only fifteen became extinct. Of these creations, twelve were Scotch peers, and eleven were Irish peers; five were lawyers, including a speaker; eight were generals, six were admirals; three were statesmen, or diplomatists, and two only were large landed commoners; three were younger sons of powerful dukes.

In the present reign, forty-five have already been created. Of these, six have been Scotch peers, and twelve have been Irish peers; seven have been lawyers; six have been statesmen or diplomatists; six have been landed commoners; two have been restored or confirmed peerages, (Stafford and De la Zouche.) During this reign nine have become extinct.

The total of creations, then, since January, 1784, is one hundred and eighty-six, and the extinctions thirty-four, leaving an addition of one hundred and fifty-two; and of these one hundred and eighty-six, twenty-three were Scotch peers, and fifty-three Irish

Irish peers; being something more than two-fifths of the whole. The independent landed commoners do not exceed thirty-five, being less than a fifth. The remaining two-fifths, therefore, were principally professional persons.*

Those great landed commoners, of high alliances and venerable antiquity, out of which the peerage was formerly recruited, have long been decaying, and have gradually ceased to exist; and it is pity, if they do exist, that a few should not be left to give dignity, power, influence, and independence to the Lower House.† The weight of landed gentry in the Chamber of Commons is now diminished almost to nothing. Thus the same policy which has weakened, by widening, the peerage, has also affected essentially, and we think unfortunately, the character and dignity of the other branch of the senate.

The law has been at all times the fountain of the rise of families. About the end of the seventeenth century, one Phillips published an amusing little volume, in 12mo, called *The Grandeur of the Law*, containing a list of such families; and this is strikingly illustrated by the arms engraved in Dugdale's *Origines*, from the windows of the halls of the inns of court. Many lawyers who did not in their own time arrive at the peerage, yet laid the foundation of riches and consideration, by which their posterity reached it—such as Howard, Cavendish, Fortescue, Lyttelton, Townshend, Montagu, Brude-

* Classified table of creations from the commencement of Geo. III.'s reign.

Landed commoners	46
Irish peers (*a*)	56
Scotch peers	24
Law	25
State	25
Army	13
Navy	10
Younger sons and younger branches of peers	17
Renewals	7
Confirmations	7
Peeresses	5
	235
Extinctions	74
Addition	161

† A small number of English commoners come directly in the male line from the old baronial families of Henry III.'s time (or immediately after); such as Wake, Blount, Clavering, Malet, Astley, Gresley, Beaumont, Corbet; and a few more are equally ancient, though only of knightly rank in those days; such as Barrington, Clifton, Egerton, Burdett, Croft, Dering, Mordaunt, Bedingfield, Oglander, Tyrell, Kynaston, Knightley, &c. Many of these are still in possession of fair estates, and retain their station in society with honour.

(*a*) Nine of these Irish peers were, in truth, Englishmen with Irish titles; and nine more professional peers, who were rewarded with an Irish peerage during their advancement to an English peerage, such as Auckland, St. Helen's, Hood, Keith, Gardner, &c.

nell,

nell, Willoughby, Bridgeman, Powys, Anderson, Pelham, Bromley,* Hobart, Yelverton, Bennet. The number of the existing peerages made directly by the law is not less than thirty. Neither the army nor the navy have done much, till the late reign.

There are certain tests, with regard to the station which families held in society at certain past dates, which cannot be mistaken. Such, as we have already hinted, is the fact of having attained the honour of knighthood during the Tudor dynasty. There are fifty-two families of the present English peerage, who, not having reached the baronial rank at the death of Queen Elizabeth, 1603, had yet been knighted by the Tudors. The English peers whose male nobility is prior to that date, are about twenty-five; so that about a third of the English peers (exclusive of the Scotch and Irish) were either of baronial or knightly rank at the death of Queen Elizabeth. But there are a few families of some pretension, which will not abide this rule.

What is a pedigree of names, and sometimes even without dates? There can be no dependence even on the dry facts stated, because whatever would prove these facts must have also furnished other facts, at least somewhat more important. For this reason, a great portion of the early pedigrees in the Heralds' Books is of little value, because it is commonly a mere string of names. The principal authority possessed by the more ancient of their Visitation-Books is the signature of the chief of the family there recorded, which gives a sort of verification to the two or three last descents. But even this has been often found to be essentially omissive, and sometimes positively erroneous. The truth, probably, is, that the subscriber often carelessly put his name to a genealogical table previously copied by the heralds from the former pedigrees of their office, to save themselves trouble, and which was not continued with any pains or sufficient inquiry. Anthony Wood has given a curious account, in *His Own Life*, how these things were conducted; and much might be added from other sources, were this the place.

The character of a pedigree may be easily known, not only from the test already mentioned, but from the marriages and provincial offices. They are to be found in the lists of sheriffs of their respective counties, and of representatives in parliament of those counties, or of the cities and boroughs within them. We are speaking of families who have not risen to the distinction of being *historic*, but yet carry with them the consideration of an honourable antiquity. One reflection, indeed, forces itself upon us, in regarding these last pedigrees—that it is surprising that persons thus born, enjoying so many advantages of fortune, edu-

* In the female line.

cation,

cation, and respect, should not in a succession of ages produce one man among them of sufficient eminence of heroism, genius, talent, learning, or virtue, to gain a place in the page of history. Whether it be that ease and unbought respect satisfied their desires, or torpified or enfeebled their faculties, the fact is still strange. It is a common doctrine that the stimulus of necessity, or of conscious ability insulted by the pride of station,

'The oppressor's wrong, the proud man's contumely,'

is requisite, to carry one through the labour and pains by which the road of ambition is mounted, and a place in the rolls of Fame is acquired; and the fact to which we are alluding may seem to confirm it. We are nevertheless far from adopting the doctrine in its usual extent.

The continental people of Europe, especially they who belong to the greater states, will not easily believe the antiquity and lustre of the British families, which even yet remain among our higher orders. It is their persuasion that almost all our rich houses have lately emerged *'from the shop!'* The truth is, that the number of our noble families whose fortunes have risen from merchandise is strictly very few: but as the enumeration of them might seem invidious, at least to the prejudices which prevail in the world, it shall be here forborne. The number does not exceed eighteen. There are three or four whose riches were made in the City almost within memory. There is, indeed, one respect wherein the British are less regardful of blood than the great continental houses, especially the Germans. This is what they call *the sixteen quarters,*—that is, noble blood on all sides up to the great great-grandfathers and great great-grandmothers, which are *sixteen* in number. An English peer of ancient title has little repugnance to repair his decayed fortune by taking a rich heiress of low origin out of the City. This, in the eyes of Germans, destroys the best pedigree; we may console ourselves in remembering that they were disposed to regard with some scorn a blank lozenge in the hatchment of Louis XIV.!

They who think this discussion an idle one, have not reflected very deeply. At all times, there have been among the mob those who have consoled themselves by jesting at pedigree; but the functions which the peerage have to perform render the dispensation of this great franchise a matter of the most serious import to the people. Two great authorities have been already cited, in the opinions expressed in Parliament, by Fox as well as Pitt, in 1791; and there is one argument of the latter particularly worth notice, which insists on the wisdom of scrupulously preserving the *poise* of this intermediate order between the crown and the commons, by keeping up its aristocratical ingredients,

gredients, lest it should lean more to the people than to the king. How far this principle has been strictly adhered to, either by that minister himself or by his successors, may be a difficult and invidious question. The vast increase of numbers in the peerage alone tends to weigh it down to the popular side. As numbers increase, both the fortunes must become smaller, and the alliances less select. The reverence of the people (perhaps an unenlightened, but still an useful reverence) must necessarily experience a rapid decline, as these honours become every day more common, and as persons of the highest and meanest connexions, and most opposite early habits, are thus mingled together. It is true, that it is the glory of our constitution, that the door of this high rank has never been shut to splendid personal merit; to the honourable attainment and noble discharge of those elevated functions which can only be duly executed by virtuous talent laboriously exerted, or by splendid acts of heroism which crown the country with glory. For more than two centuries, a Lord Chancellor, and for more than a century of more sparing times, a Chief Justice of England, have, with few exceptions, had a coronet annexed to their offices—and indeed the modern business of parliament requires this; but it is another question whether so many law peerages as we have above alluded to, are necessary or prudent; and it may still farther be doubted, whether, if such honours must be conferred, they ought in all cases to be made *hereditary*.* If every person who, rising in nothing above mediocrity, has discharged an honourable office without disgrace, is to be rewarded by an hereditary coronet, where are the numbers of the upper house to end? By the articles of union with Ireland, as well as with Scotland, the number of representative peers was limited. But is not the grant of so many English patents to the peers of these kingdoms an infraction of the spirit of that provision? Of the fifty-three Irish peers so created, twenty-two indeed were Englishmen, though enjoying Irish titles; but, deducting the extinctions from the remaining thirty-one, there still remains an addition of twenty-nine. The Scotch addition to the British peerage also, deducting extinctions, is nineteen. So jealous of this was the house, after the Scotch union, that the Duke of Hamilton and others, being made English peers after that event, were never allowed to take their seats till a well known decision was rescinded, about fifty years ago. In many judicial questions—on committees, &c.—the results of this change may often have a most decisive influence.

* The French, in former times, had abundance of *ducs à brevet*, whose titles did not descend. The *principle* of the *majorats*, in their present system, might also be worthy of our consideration and adoption.

There

There never was a period when more depended on the conduct of the upper house of parliament. The peculiar state of the domestic policy of the country, as well as of its foreign relations, turns the eye upon this house with intense and increasing anxiety. On the great questions of agriculture, of the rapid growth of the population, of the currency, of the state of Ireland, of India, and, above all, of the condition of the English peasantry, it is to this house that we ought to look as a mediator. From its exalted station, from its independence and riches, from its lofty sentiments, imbibed with its birth, from its high manners, instilled by the exalted connexions which surrounded its cradle, it ought to be

> 'Above all pain, all passion, and all pride,
> The rage of power, the blast of public breath,
> The lust of lucre, and the dread of death.'

Such, at least, is what a House of Lords was intended to be. The wealth of the country has taken so new a distribution, that the character and interests of the Commons House are quite different to those of half a century ago. They do not see things in the same view, or with the same passions, and they are not under leaders of the same habits and early impressions. We have now scarcely any 'great commoners,' if we may be allowed that trite phrase, which was wont formerly to carry with it such a just and useful respect and influence. Almost all of the grand territorial proprietors have been translated into the other chamber; and almost all the oratory and virtual management of public affairs is left to men who come from the bar—not always the best education for a great statesman, as was shrewdly observed and beautifully expressed by Burke, in his character of George Grenville. It has been supposed that there is something in birth, rank, and riches, that will not undergo the fatigue of high office, nor qualify for it; but this was not formerly the case, as the names of Strafford, Shrewsbury, Harley, St. John, Walpole, the Pelhams, Pulteney, &c., will prove. It is at this moment for the first time become a vital question, how far the manufacturing and commercial principle ought to prevail over the agricultural. The cry has been so long and loud in favour of the former, that to doubt it is to be branded with the epithets of narrowness and ignorance. Yet the rapid increase of our population, without a correspondent demand for employment or growth of subsistence, begins to shake the faith of every solid thinker in these long-fashionable dogmas of political economy. That the happiness of the country has not increased with its wealth—that there is less of ease, content, and virtue, is quite certain. That the enormous public debt is an alarming grievance, not merely with reference to men's pockets, but

but in its effects on the national habits and manners, may be shown by arguments which it will not be easy to resist. Solid enjoyment is exchanged for enfeebling luxury, and generous hospitality for empty and selfish ostentation. Whoever remembers the course of life fifty years ago, more especially in the country, from the nobleman, the titled commoner, or the gentleman of landed income, down to the peasant, must be painfully struck with the marked dissimilitude to the present state of things in the same situations. Rank has lost its influence; every thing is cold economy or thoughtless waste; there is no noble establishment, calculated, by regular habits and a simple plenty, to spread comfort and blessings far and wide around it;—where generations of petty tradesmen, mechanics, and labourers have lived under the same masters, and contracted, from infancy, a respect which made them obedient to the laws and satisfied with their lot. In those days, much of the revenue of the soil was spent upon the spot whence it was drawn, to the benefit of those by whose labour it was brought forth; and he who legislated for the poor workmen in husbandry was not a mere denizen of London and Brighton (our Rome and our Baiæ!)—a person perhaps, who, having entered parliament beardless, has, before he comes to take any active part in affairs, forgotten what is out of parliament almost as much as the soldier does what is beyond the camp or the barracks—but one whose character and principles were formed and settled before he became a senator, and who, while occupying that station, was in personal communication with them for a great portion of the year, and knew their wants and propensities, and was linked with all their interests. In those days opinion was, in many parts of the conduct of life, more powerful than law. A false polish, which destroys all character, was not substituted for more substantial recommendations; attachments, which have since been taken to be blind and pitiful prejudices, were securities for faithfulness and honesty in the discharge of humble duties; and domestics wore out their lives in the same service, as ignorant of the artifices of embezzlement as they were incapable of being guilty of them. From these causes, from the comparative lightness of taxation, from the absence of the perpetual irritation of new wealth, always luxurious and almost always insolent, families lasted for centuries in ease, affluence, and honour. They could keep their station without any sacrifice of that independence which leads to enlightened views, and secures wisdom; without any of those ingenious sophistries which pressing self-interest invents or falls a dupe to; without any of those intrigues which debase the heart and darken the understanding. But this race of families—this nursery for legislators and statesmen—is nearly extinct.

Though

Though it is supposed that men of hereditary rank, relying on the importance derived from their descent, are accustomed to neglect their talents, and indulge in idle and vicious follies, yet surely there are many among them with whom it is far otherwise.* Where 'the spur of fame' operates, as it very frequently does, to lead a life of labour, it is almost always a purer fire than in those who have their fortunes to make. Their notions are more enlarged, their sight clearer, and their feelings more intense and more refined. The father of the illustrious Lord Bacon held the elevated office of Lord Keeper; and this wonderful son had been from infancy nursed among the high, and familiar with affairs of state. If veneration for birth were indiscriminate, it may be admitted that it would encourage too many to abuse it; but the stream of prejudice, at least at present, runs the contrary way, and calls on a man of distinguished family to exert himself with double energy to prove that he is worthy of the respect to which he aspires; and that his pretensions, instead of being hollow and baseless, have a sound root. If one were to bring into the upper house certain low passions of intrigue, envy, and rivalry, and certain mean criterions of judgment which mean occupations and mean stations are too apt to generate, he would be unfitted for the duties which that house has to perform. Feeble or perverse talents, and cold or vicious hearts, are born in every station, and no early culture or discipline can entirely correct them; but the habits of infancy will, according to their character, soften or encourage the original propensities, or amend or confirm the original defects. Whatever disables us from an early conversation, on equal terms, with those to whom an experience of affairs on the great theatre of the world has given an extended wisdom, diminishes the chance of possessing that sort of cultivated mind which fits us for the higher departments of legislation or politics.

There are a large class of philosophers and politicians to whom these opinions may seem fanciful and empty; the effects of unen-

* We have incidentally, in the course of this paper, recalled to our readers some of the eminent names among our nobility connected with literary exertion; and it gives us pleasure to observe that the rising generation of the same rank includes not a few names of no ordinary promise in that walk. Neither Lord Francis Gower nor Lord Morpeth will, we trust, entirely desert the Muses for politics; Lord Porchester has already given evidence of powers and feelings worthy of the name of *Herbert;* and a younger than these, Lord Mahon, has just published a Life of Belisarius, which no one can peruse without indulging very high expectations of his career, to whatever objects he may ultimately devote his ambition. We are almost ashamed of for the first time mentioning such a work in this parenthetical form: Lord M.'s exposure of some of Gibbon's inaccuracies is as complete as Gibbon's was of the fallacies and dreams in Warburton's Essay on the sixth Æneid—when, as was said at the time, 'a stripling went forth against Goliath, and overthrew him.' His variety of learning, so remarkable at his early age, appears to be regulated by a simple, manly, and classical taste; and the manes of *Chatham* may look down without dissatisfaction.

lightened

lightened prejudices and weak passions, which it may be said that the history of modern times has utterly put to shame. It is true that the aristocracy of Great Britain is not made up of the same ingredients as it was half a century ago; but that the change has been for the better remains to be proved.

It is clear, that the genius of the British constitution cannot be satisfied but by the interposition of a strong aristocracy, and that such an aristocracy cannot exist unless it be mainly formed of the ancient and historic families. It would be a curious speculation —what would have been the fate of Fox's India bill in an upper house, differently constituted, in numbers and quality, from its state at that crisis? Of the one hundred and eight peers made since the commencement of this century, only ten were English landed commoners, twenty-nine were Irish peers, sixteen Scotch peers, (together exceeding by one the representative peers of these countries,) eleven were generals, four admirals, twelve lawyers, six statesmen, three diplomatists. It surely cannot be doubted, that a political body so enlarged will see subjects of state and legislation in a very different light, whether for better or for worse, than those of whom the upper house formerly consisted. It *may* be well that an *elective* body should be confined to personal merits; but it is quite otherwise with an hereditary body. Speculative politicians may, in their Utopias, imagine better constitutions than such as have an hereditary aristocracy for a main component; but inasmuch as it is in fact a vital part of our frame of government, the question is not whether it is wise or unwise, but whether it has been adhered to. Much is always said, and justly said, of the mighty power of public opinion and feeling; but then it is necessary to distinguish between those temporary opinions and feelings which arise from caprice, accident, and fashion, and those which are implanted in our nature, and generally more or less prevalent in the human bosom. If there be any feeling which may be said to be universal, it is the feeling of complacence with which we submit to the superiority of those whom time has handed down to us as having for ages held the same distinction, comparatively with that of persons whom we remember our inferiors or equals, and who have since been put over our heads; often, too, as we are apt to suppose, by injustice or false favour. Let it not be suspected that this is meant to defend or propitiate the profligacies or the follies of rank and honours; they may be dreadfully abused, and were, in truth, most dreadfully abused in France before the revolution. Nor has this happened in France alone: it occurred in England in the dissolute and disgraceful court of Charles II.—There is certainly a dazzle in high honours—which makes the people bear for a little while with the abuses of them; but if their anger is once roused, they pursue them with a just and fearful vengeance. There are unpopular

unpopular families, to whom, having made a mean or intemperate use of their privileges, nothing can reconcile them. On the contrary, we have, in our time, seen instances where firm and persevering ability, accompanied by probity and mild manners, have overcome the strongest prejudices; and gradually given to families covered with calumny the pretensions which belonged to them.

The novelty of the French Chamber of Peers, and the choice of its members, imposed by the exigency of the crisis, afford practical evidence how much the want of the predominance of an ancient aristocracy is felt, wherever it is meant that there should be a *monarchy*. Though separated from the Commons, it does not seem to act as that useful *poise*, of which Fox and Pitt have spoken; it is almost as much a popular assembly, imbued with popular passions, as the lower chamber; it has neither the weight of property, name, nor early habits; and the attempt on the part of the crown to manage it by a perpetual infusion of new members cannot, in the nature of things, last long. Even in England, a much more sparing exercise of this practice has led to no slight dangers, and has indisposed the people to the influence of high rank in a degree which has certainly had ill effects on the good humour and loyalty of the great mass of the nation. There is now among us a very preponderant, if not general, coldness to rank; and it must be confessed, that the real nobles—those which are the creation of time, and not of momentary ministerial favour—have sometimes been inclined to temporise and humiliate themselves more than became their dignity. Genius and abilities are not the inheritance of any particular rank, but are impartially distributed by Providence to individuals in every condition: if they who are born to an elevated lot neglect these gifts, their culpability is flagrant; in them excellence is most useful, and of them it will be most demanded. Why should they desert their posts, and leave them to those who are less qualified to fill them? Labour and danger are no excuses.

> 'Abroad in arms, at home in studious kind,
> Who seeks with painful toil shall Honour soonest find.
> In woods, in waves, in wars she wont to dwell,
> And will be found with peril and with pain,
> Ne can the man that moulds in idle cell
> Unto her happy mansion attain;
> Before her gate High God did Sweat ordain
> And wakeful Watches ever to abide;
> But easy is the way, and passage plain
> To Pleasure's palace—it may soon be spied,
> And day and night her doors to all stand open wide.'*

* Faërie Queen, b. ii., c. 3.

The books we have put at the head of our article may not seem to have furnished the grounds for the wide field of speculations we have entered into. They are all dry, naked of reflections, and scarcely touching on character or history. Mr. Lodge is the person in whom genius, knowledge, and opportunity combined could have produced the most perfect work on this subject. His characters, exhibited in his Holbein and Illustrious Heads, are models of originality, discrimination, justice, and beauty. Lord Orford drew characters in his *Royal and Noble Authors* with wit and force, but not always with truth; and was too apt to sacrifice merit to the indulgence of an epigrammatic point. He had undoubted genius, and a very acute sagacity; but his habits sometimes made him little, and the tenor of his mind and passions was rarely, if ever, grand. His taste for the arts, especially those connected with history, was, however, exquisite; and his *Royal and Noble Authors* might have afforded him a far more rich and varied field than he has taken; because the peerage offers characters, of which the delineation might exercise the highest powers of insight, reasoning, and eloquence. Burleigh, Buckhurst, Sydney, Bacon, Strafford, Clarendon, Shaftesbury, Somers, Marlborough, Bolingbroke, Pulteney, Chatham, Fox, Pitt, Nelson, Canning, —what nobler themes could a powerful biographer want? The French peerage affords no such subjects; Sully, indeed, is an host, but he cannot stand in lieu of all such great English names as are here noticed.

The foundation of great families may, perhaps, be deemed an inquiry more curious than instructive. Hallam says that almost all the richest of the English aristocracy derived their vast possessions from the spoils of the Reformation. This is not precisely the case; but it is partly true. It is well known to have been the case with the houses of Cavendish and Russell. The latter, Burke, in his most indignant Letter, provoked by a most ill-timed and cruel sarcasm, had made known to all the world, in terms of burning and inimitable eloquence. The widow of Sir William Cavendish, Elizabeth Hardwick, who afterwards married George Talbot, Earl of Shrewsbury, amassed the greater part of the Cavendish wealth. She set up three sons—Henry Cavendish, William, created Earl of Devonshire, and Sir Charles Cavendish, the father of William, Duke of Newcastle—all with immense estates. It was not that these estates were always gifts from the crown; but they were cheap purchases: the circulating capital being probably in no degree equal to the vast territories which were brought to market. But the Devonshire rental received an enormous accession by the Burlington property, made in Ireland in the reign of James I. by the great Earl of Cork; and by the

remnants

remnants of the Clifford property in Yorkshire. The foundation of the Fitzwilliam estates was, perhaps, by advantageous purchases of abbey lands in the time of Henry VIII.; but a great increase was made by acquisitions in Ireland in the reign of Queen Elizabeth; and, lastly, by the Wentworth property, through the present earl's mother. The Lonsdale wealth has mainly sprung, we presume, from coal-mines, on the ancient estates of that ancient family. Buccleuch has been an accumulation from heiresses, including here in England almost the whole possessions of the Dukes of Montague. The Gower estates have also mainly come by marriage, beginning with the *Levesons;* but the grand augmentation was the canal property of the late Duke of Bridgewater; to which are now to be added the Sutherland estates of the present Marchioness—a principality in themselves. The Grosvenor riches come mainly from an heiress, who brought in marriage the London building-land, about two generations back. The Spencer estates are the accumulations of old Sarah, Duchess of Marlborough, added to the paternal Sunderland property. The Northumberland estates are mainly the old feudal property of the Percys. The Rutland lands are chiefly the baronial territory of the ancient house of De Roos; the Portland are derived from that branch of the Cavendishes who were Dukes of Newcastle; and those of the existing ducal family of Newcastle come from the Holleses. The Hertford were chiefly acquired by old Secretary Conway,* whose character makes a figure in the early part of Clarendon's History. It will hence appear that Mr. Hallam's assertion ought to be much qualified. The Marquis of Winchester, however, and Lord Pembroke, were great sharers of abbey lands, as is noticed by Naunton.

In former times, the large estates of the ancient nobility were much more disproportionate to those of the gentry than they are at present; and, in consequence, they lived with more grandeur, with large retinues, and an attractive hospitality. But the various civil wars, and the policy and oppression of the Tudors, broke them down. The *Northumberland Household Book*, and the notices by Dr. Whitaker, in his most deeply interesting History of the Cliffords, with the Autographical Memoirs of the famous Anne Clifford, Countess of Dorset, and the Memorials of Edward Stanley, Earl of Derby, in Collins's Peerage—and even in King Charles's time, the Duchess of Newcastle's Life of her Husband, with the accounts collected by Nichols in his Progresses of Queen Elizabeth, &c.—show the state which was kept up in those days; but the most curious of all, is the magnificent list of retainers to

* What is become of the Conway Papers, long since announced, and so much praised by Gray the poet?

Lord Hastings, which is given by Dugdale. The same change necessarily occurs in the character of the country mansions of the nobility—as may be seen by Haddon Hall, Penshurst, &c., described by King in his Dissertation on Ancient Castles, and by Lord Orford in his Anecdotes. A few mansions have been lately rebuilt, at an enormous cost, in the Gothic style; such as Eaton Hall, Lowther Castle, and Ashridge; but the habits of life render these vast edifices for the most part cold and cheerless. The space of the ancient armour-hung hall, and the long picture-gallery, and gorgeous heraldry of the windows, filled the imagination with tenfold activity. The only true castle we recollect still inhabited by the ancient race is Berkeley.

The utter extinction of the male line of ancient and illustrious families, who were once very numerous, always appears surprising to a mind which reflects; and, indeed, forms one of the many subjects which ought to have been elucidated by Mr. Malthus, before he called on the Christian world to adopt his theory. The earldom of Northumberland became extinct in 1670,* and the Veres,† Earls of Oxford, in 1701. No collateral branch of the *male line* of these truly venerable houses can be proved to exist. It is a glaring proof how very imperfect have been the laws and regulations for preserving pedigree in England. Nothing would have been more easy than the returns of the burials of certain classes, with an enumeration of their issue, to an established office. But the abuses and gross oppressions of the Courts of Chivalry and Star-Chamber indisposed the nation to everything connected with gentilitial records; and there has been an unwillingness on the part of government to disoblige the very powerful and deservedly-eminent house of Howard, by detaching this subject from the Earl Marshal's jurisdiction. Some learned, able, and worthy men have belonged to the college over which the Earl Marshal presides,—such as Glover, Camden, Dugdale, Ashmole, Gregory King, and Anstis; and the most eminent antiquarian biographer of our own day adorns it. But though a very large quantity of valuable materials have, in the course of three centuries, been registered by this institution, yet the imperfections and deficiencies are greater than could be supposed. As the spirit of constitutional liberty became more universally established by the revolution of 1688, the arbi-

* One Percy, the son of a trunkmaker, at Dublin, long persevered in his claim, but destroyed all credit by varying his descent. The printed case, which is rare, is full of curious matter. He failed in his proofs; but he was not well used. A supposed branch existed at Cambridge about sixty or seventy years ago. Bishop Percy had some reason to suppose himself of this family.—See *Nash's Worcestershire.*

† Mr. Vere, the banker, has reason to consider himself sprung from a remote collateral branch of this great house.

trary

trary interference of the heralds lost its authority, and their visitations of the provinces were discontinued. There is, however, a visitation of London and Middlesex, which came down to the beginning of the last century. The most particular and exact visitations are those at the end of Charles II.'s reign, by Gregory King, who was also an eminent political arithmetician; but even these are very far from perfect: they are, however, infinitely useful; and the Earl of Huntingdon might probably have been unable to establish his claim, but for the Leicestershire visitation,* which carried his pedigree over the difficult period of the civil wars, and brought it down almost within memory.† The same negligence of legislation extends to the materials for an accurate census of the population, and especially of their comparative longevity, which, though not so easy, because it must extend to the lowest classes, is yet very practicable.

We have thus endeavoured to treat a subject, which too many are apt to suppose trifling and fanciful, in a manner which will show it to be a constitutional inquiry of the highest importance. We have produced the authorities of Fox and Pitt agreeing on this point, while they were fiercely contending on grand political topics, at the very moment when the first burst of the French revolution had overset men's minds with the contagion of license rather than liberty, and when Fox himself was the great orator of those doctrines. We have no childish or unenlightened reverence for rank, nor are dazzled by any empty portion of its pretensions; we abhor it in its abuses, and indignantly repel it in its insolences; but because we are sure of its benefits when duly guarded, and because it is a matter of duty as well as choice, being part of the constitution under which we were born, and which the laws of our country still impose upon us, we are anxious to cherish the public opinion in its favour; and, by so doing, to keep it pure, that it may still retain the respect and attachment of the other classes; and still, by acting as a proper 'poise,' balance the respective rights of the king and the people.

* The previous visitations of Sir Edward Byshe are shamefully negligent. See Ant. Wood's contemptuous character of him, though he was a learned man, as his edition of Upton, *De Re Militari*, proves.

† Mr. Nugent Bell has raised wonders as to the industry of his own investigations and discoveries in this regard, which did not at all belong to him; he had no more than two modern generations to fill up: the difficulty was to dispose of the prior branches.

ART. II.—*Travels in the Interior of Mexico, in* 1825, 1826, 1827, *and* 1828. By Lieutenant R. W. H. Hardy, R.N. London. 1829.

LIEUTENANT Hardy, of the Royal Navy, was engaged as an agent, or, as he calls himself, a commissioner, by 'The General Pearl and Coral Fishery Association of London,' one of that numerous progeny of wild and unprofitable—many of them ruinous—speculations to which the year 1825 gave birth;—a year in which some very wise people concluded, from certain superficial appearances, that the nation was in some danger of bursting with a plethora of prosperity, and required a few waste pipes, or safety valves, to relieve the pressure; and these, indeed, were so abundantly supplied, that the danger of repletion, being speedily removed, was followed by a no less danger from the copious evacuations of the patient, which soon reduced the fulness both of his habit and his pocket. The pearl speculation was one of the minor valves employed to carry off a portion of that superfluous wealth which was supposed to be pressing so heavily on the country. Fortunately, however, for the Association, their naval commissioner was an honest servant, who turned the cock before all the steam had run out; and we hope the profits of his book may better remunerate him for his trouble, than the Association has been able to do out of the profits derived from the pearls and the corals, which he was expected to fish up in the gulf of California. A single passage towards the conclusion of his work conveys a tolerable notion of what these profits may have been. He here tells us, with peculiar *naïveté*, 'I had almost forgotten to mention a very curious circumstance with respect to the pearl-oyster, namely, that on the coast of Sonora *there are none at all*, except at Guaymas.' This is something like Horrebow's famous chapter '*Concerning Owls*,' in his 'Natural History of Iceland:'—viz., 'There are no owls on this island.' He informs us also, that, to the northward of 28° 30′, not the trace of a shell could be discovered on either side of the gulf; and the few that were found in shallow situations had no pearls in them. 'I mention these circumstances,' says he, 'to prevent future speculators in this department from embarking in so wild an enterprise as that of the Mexican pearl fishery.' There is little danger of that, we believe.

There were two distinct classes of our countrymen concerned in promoting the ruinous speculations to which we have alluded—the honest and well-intentioned, and the knavish and fraudulent. Of the former, some had been deceived by the exaggerated view given of the mines by the ingenious Humboldt. Others seem to have lost sight of the fact, that most of the richest mines

mines had been worked out; and that the rest, through the discontinuance of working since the revolution, had been filled with water or rubbish. Then some of the leading projectors were so conceited as to imagine that the Mexicans, after the experience of two centuries, knew not how to work their mines to the best advantage, or to reduce the ores; and therefore sent out, without inquiry, steam-engines and heavy machinery, which were to be transported to the summits of almost inaccessible mountains, and which, even if got there by labour almost insurmountable, and at an expense almost ruinous, could not be worked for want of water in some places, and of fuel in all. The second, or knavish, class, cared not one farthing whether the mines were productive or not. By fraud and trickery, and by putting in practice every art in which gamblers and swindlers are conversant, and in which several persons in elevated ranks in society were strongly suspected of being concerned, the trafficking in shares was carried to such an extent as can only be paralleled by the once famous, or rather infamous, *tulipomania* of Holland. For instance, the selling price of a share in one mine, that of Real del Monte, was mounted up from its original price, by a series of fraudulent tricks, false reports, and fictitious sales, to fifteen hundred pounds, for which, we suspect, the present holder would be glad to obtain about as many shillings; and whose real value may probably not be worth as many pence.

The same remarks, we suspect, may be applicable, in a minor degree, to the pearl fisheries of the two coasts of America. Our naval commissioner was engaged to carry on that of the gulf of California, a part of the ocean which we are not aware to have been at any time noted for its pearls or its corals; but whatever it might once have produced of either, the one and the other were obtained solely by native divers. This mode of proceeding, however, seems to have been considered by the 'Association of London' as too humble, too simple, and too tardy, and the diving-bell was therefore to be at once adopted, which would bring them up by cart-loads at a time from their prolific beds. Unfortunately, however, it so turned out, that this was wholly a mistake; the pearl oyster is not found on *beds*, but always in the cracks and crevices of rocks, wholly inaccessible by any diving-bell, a machine that could not be brought near them, on account of the ruggedness of the bottom.

In happy ignorance of this simple fact, two small vessels were fitted out, and furnished with diving-bells, by 'The General Pearl and Coral Fishery Association of London.' They were sent round Cape Horn to meet Lieutenant Hardy on the coast of the province of Sonora, bordering on the gulf of California. The time he spent in

in making his researches in this gulf, and the ill success that attended them, have had at least the good effect of completely dispelling the delusion under which he left England in the memorable year of 1825.

A certain allowance of stale jokes, bad puns, and small wit, may be pardoned, coming from the pen of a blunt sea-officer, whose life has been chiefly passed in the cockpit and wardroom of a man-of-war; but we must say, our honest lieutenant is rather too free with them, and we should not have been the less pleased if he had given more information of the western side of Mexico, and less of his pleasantries. At the same time it is due to him to say, that he appears to tell honestly, and without disguise, what he has seen and heard, and that is saying a good deal for one of the fraternity of modern travellers, and somewhat more than he himself seems willing to concede to the first of the tribe; for he observes, 'if Humboldt, when he paid a visit to the city of Mexico, had examined it with the eyes of a *humane* philosopher, and had represented it in its unadorned colours, how much disappointment would have been spared to travellers and to Europe!' Here we think the lieutenant is unjustly as well as unmeaningly severe on the first traveller of the age, who, though he may occasionally exaggerate, from a natural flow of eloquence quite peculiar to himself, has described the *city* of Mexico much in the same manner as others have found it, and as Mr. Hardy himself pronounces it to be, 'decidedly one of the handsomest cities he had ever seen.' To talk of the Baron's false colouring of the *city* of Mexico as a 'disappointment to travellers and to Europe' is sheer nonsense. Had he only stated that his account of the mines had misled the adventurers, and produced disappointment, such a statement would probably have been true. After all, great allowances are to be made for the narratives of travellers. It is almost universally the case that their descriptions take their hue from the kind of treatment they personally experience, of which the account of Russia by the late Dr. Clarke is a memorable instance. M. Humboldt was lodged in a palace, fêted by the viceroy and the whole court: whereas Mr. Hardy took up his abode, or, as he tells us, sat himself down, in the first and best hotel, which is called 'Gran Sociedád,' meaning the *Great Society*, but sometimes, says he, it is called 'Súciedad,' which means *dirtiness;* and this Spanish pun is illustrated by the following sketch:—

'This hotel is not provided with a table-d'hôte; but the dining-room, which is honoured with its name "comedór," inscribed over the entrance, is furnished with a long table, covered generally by a greasy cloth, where the cravings of the appetite may be appeased for a dollar and a quarter, wine extra, as saith the bill of fare. It is true the viands

viands are not of the most tempting kind, nor, indeed, are they cooked in the cleanest way; but every one reconciles himself with the reflection, that "it is good enough for a sociedad." The cook herself is indeed a *hornament*, as a cockney would say; and, in truth, I know of no regular word which might at all suit the subject. She *may* be an amiable creature, for anything I know to the contrary; but if dirty linen, feet without shoes or stockings, a face covered with brilliant semispheres, reflecting the fire like a sort of moveable reverberating furnace; hair as dishevelled as that of a Gorgon, and not remarkable for cleanliness; hands which had never been washed since she took possession of her office; and delicate lips, which only half-concealed a set of black and decayed teeth, and which confined within their tender grasp a paper cigar, whose smoke found an exit only through her gently-expanding nostrils; add to all which qualifications, a skin and complexion like an olive, and quite as greasy; if this lovely picture of Eve has charms for my reader, let him hasten to this glittering land of mines, where he will scarcely find a kitchen which cannot present a living original, whereof this, I confess, is but a faint sketch!'—pp. 6 and 7.

In this 'handsomest' of cities, 'the poor,' he says, 'can find a residence only in the coach-house department, which opens into the street, and which henceforth (qu. *thereby?*) becomes the receptacle of vice and wretchedness, too disgusting to be faithfully described;' and as to the environs, they, he tells us, are 'infinitely more impure: THEY ARE HORRIBLE.'

'After having satisfied my appetite with a couple of *dainty* dishes at the public table below, I proposed to myself to take a walk. Not having any objection to change the scene, I walked to the right and left without any object; and although it was Sunday, the number of people whom I passed in the streets, wearing neither shoes nor stockings, and many even without shirts, with a sort of dirty blanket carelessly thrown over their shoulders, did not fail to awaken many painful reflections. Is it possible, thought I, that in a land which Nature has made her hoard, and man her heir, that the fruits of her gifts should be productive only of abject misery, or, at least, of such individual abandonment as is here seen, which renders man the most pitiable object of the creation, and the most miserable of his kind? On passing through the streets, I observed little apartments (originally intended to be occupied by coaches) filled with women, more than half-naked, and men sprawling on the floor from the effects of inebriation. The children were perfectly naked.'—p. 8.

The lieutenant, we fear, need not have gone all the way to Mexico to have his 'painful reflections' excited by such objects as these. He might have found abundance of shirtless, shoeless, and stockingless men, women, and children, in every capital—and in too many country districts too—of Europe, enduring far greater misery,

misery, from greater severity of climate, than can ever be common in the genial atmosphere of Mexico. In this capital our pearl commissioner was four months, passed chiefly among speculators in mines, and in negotiations with the government respecting the pearl fishery, before he was able to obtain a licence and passport to proceed; when, having settled matters to his satisfaction, he set out on his long journey to Sonora.

Prepared as we were for hearing of paths nearly impassable—some winding along the edges of steep precipices and across deep ravines, others along the dry beds of mountain streams, and over plains where no traces of a road appeared—we certainly could not have imagined that the effects of the revolution should have still been so visible as our traveller seems to have found them. The whole intermediate country between Mexico and California appeared to have been reduced to a state of the greatest impoverishment; whole villages were deserted and in ruins. The *mesons*, or inns, were filthy beyond description, and in very few could provisions of any kind be procured. In those great farms, where thousands of cattle were once pastured, not even a little milk could now be had. The people, too, were, generally speaking, uncivil and extortionate. Except in one or two places on this long route, he met with nothing like disinterested hospitality: even letters of recommendation frequently failed to procure him any thing like a cordial reception—not even a bad supper, for which, when he did get it, he always paid a great deal more than it was worth. One instance will suffice to show the kind of treatment he was subjected to on the road; it was at Acoponeta:—

'There being here no *meson* for the accommodation of travellers, I called upon the alcalde, who in such cases must assign a lodging to all who bear passports. He took me to a viranda on the outside of the gaol; but so great was the want of hospitality at this place, that even the gaoler refused to open his door. I was thus obliged to take up my lodging on the outside. Previous, however, to doing this, I resolved, as a last resource, (knowing that in this country the curas keep good houses and good tables,) to ascertain whether the one here was a good Samaritan. As I approached his door, I heard the laughing voices of females within. I nevertheless ventured to rap at the door, when a gruff voice demanded, "Who is there?" I answered, "A traveller." "Que le vàya usted con Dios," was the reply; "Then pass on and God be with thee;" at the same time saluting the door with a severe kick. I returned to my quarters, got a good supper, and composed myself to rest, not however without placing my pistols and sword close to my side; a precaution which I thought quite necessary from the questionable character of my neighbours within!' —pp. 70, 71.

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The revolution has made a woful difference in the condition of the padrés. They have not only lost that hold which they formerly had on the minds and the purses of the community, but the church property has been despoiled and dilapidated to such a degree, and their once authorised dues are now so generally withheld, that many of these curas in the towns of Sonora are reduced to a state of beggary, some subsisting on alms, and others keeping little shops for their maintenance. It would appear, however, by our traveller's intercourse with these churchmen, that, in losing their possessions, they have by no means got rid of their vicious propensities. Most of them, we are told, have young women living with them, some one, some two, and others more, who pass under the name of *nieces;* and many of them indulge to excess in spirituous liquors. Our lieutenant appears to have derived great pleasure in drawing these people into doctrinal disputes, and getting himself abused as a Jew and a Protestant, which they considered, he says, to be the same thing. One of them told him that Protestantism was nothing more than a *Jewish paganism,* an invention of the *diablo* to make proselytes for his burning empire. Whenever it fell out that one of these padrés had the better of the argument, which the lieutenant rarely admits to have been the case, he plied him with the bottle till he had neither argument nor speech left. A friar of Moléna, with his *three nieces,* paid him a visit on board his little vessel, and drank so freely of Cognac brandy, as to be completely intoxicated. They had two horses to carry them home; two of the young ladies mounted one, and the lieutenant strapped on the friar and the third *niece* behind him, as well as he could, upon the second. The next day, being Sunday, he proceeded to return the friar's visit at the morning service in the church; but he was told he had met with an accident. 'It appears,' says he, 'that, on their way from the vessel, the rapidity with which their horse had travelled destroyed the equilibrium of his reverence and his partner; and they had not proceeded more than half a mile, before down came the church to the ground, and with it the fair votary, who received a contusion on the nasal promontory which ended in a pair of black eyes.' Where vice and debauchery thus prevail among the ministers of religion, we need no prophet to tell us that the pernicious effects must be felt among the people. If this be one of the blessings which the revolution has spread over the country, it had been better they had retained their ancient superstitions than to be thus enlightened.

That part of the road among the mountains, leading towards the port of Mazatlán, at the mouth of the gulf of California, bad as it was, became less irksome, from its highly romantic character. The summits of the chain were generally clothed with lofty pines, and

and the sloping sides and valleys with oaks of large dimensions. In some of the towns of the province of Valladolid, Mr. Hardy observed the streets were lighted up with pine chips, which, he says, 'give as strong a light as the gas of London.' The mountains are chiefly of granite, and in several places large veins of obsidian were seen running down the sides of the hills; a material which was occasionally observed to be used in building the walls of huts and inclosures. The thermometer in the mountains at night was sometimes down to the freezing point in December, while, on the plains, the weather was sultry, the heat very great, and the insects excessively troublesome. The lieutenant affords us but a very limited description of the nature of the country, or information as to the productive industry of the people; his forte seems to lie in drawing sketches of characters whom he happened to fall in with, and whose names and history are too obscure and unimportant to dwell on.

At Mazatlán our traveller commenced his enterprise by embarking in a small schooner of forty-five or fifty tons; and, after a passage of seventeen days, arrived at the port of Guaymas, which is described as being the best in the Mexican dominions—completely land-locked, and capable of containing a great number of vessels, with five fathoms' depth of water abreast the pier; but the surrounding country is not very promising, the water being brackish, the soil barren, and few living creatures except rattlesnakes, scorpions, tarantulas, and other reptiles of a noxious kind. The houses of the port are of mud, with flat roofs; the inmates of which, we are told, during heavy rains, 'may take a shower-bath, without going out of doors.' The founder of this miserable place was still living there, as crazy as his huts, and 'seldom sober when he could get tipsy.' The lieutenant says, 'he sells spirituous liquors to sailors; and as his creed is to keep the tap running, so, when other customers are wanting, he becomes one to himself.'

Two small vessels belonging to the 'Association,' the Wolf and the Bruja, were to join the lieutenant at this port; but as they had not arrived, he resolved on a journey inland to the Presidio of Pitic. This is said to be a place of considerable commerce, and to contain a population of about five thousand souls, among whom are some of the wealthiest merchants of Upper Sonora. Here our traveller was amused with tales of the extraordinary treasures that awaited him; which became more rife and rapturous as he advanced into the interior. One young lady, for example, assured him that at Mulatos, where she was born, she had seen large lumps of gold as big as a pumpkin; and that the native miners suspended themselves over perpendicular precipices for the purpose

of

of chipping off gold with hatchets from their sides.—The value of all these Arabian tales our traveller learned precisely how to appreciate, long before he had concluded his mission. For a time, however, they seem to have got possession of his imagination, and induced him to extend his researches through the greater part of the province of Sonora, in order to 'examine certain mines and *creadéros des oro*'—those happy spots, where the demon of avarice whispers its votaries, that

> 'here molten silver
> Runs out like cream on cakes of gold, and rubies
> Do grow like strawberries.'

In the course of our traveller's journey, he was induced to assume the character of a practitioner of the therapeutic art; and, if we may trust his own account, was eminently successful in his practice, especially among the fair sex. His universal specific was charcoal. Our lieutenant prescribes this as freely for all disorders, and extols its virtue with as much zeal, as the celebrated Dr. Sangrado showed for his specific of bleeding and warm water; over which it has *one* great advantage, namely—'It is so *safe*,' says he, 'that I never knew any bad consequences ensue from it, except, indeed, when combined, in the shape of gunpowder, with *sulphur and nitre*.' His practice, however, on one occasion, had nearly got him into a scrape. Having asked one of his patients if she were married or single, her reply was,—single. Then, says he, a husband is the only cure for your numerous complaints. She was at first offended; but her anger soon ceased 'in a proposal to marry me! I never,' says he, 'was more surprised in my life, and looked quite stupid.'

We are told of another antidote, used by the natives for that horrible disease, the hydrophobia, which, if it really be as efficacious as he describes his charcoal to be in other diseases, and as he was assured it is in this, he will have made a discovery of more value than all the pearl oysters that ever existed in the gulf of California.

'From Don Victores I learned a cure for the hydrophobia, which, in three cases, he had seen administered in the last paroxysms of that dreadful complaint. He told me that he had known several die who had not taken it, but of those to whom it was administered, not one. He is so honest a man, and has the general character for such strict veracity, that I entertain no doubt of his having witnessed what he related. One of the patients was tied up to a post with strong cords, and a priest was administering the last offices of religion. At the approach of a paroxysm, the unfortunate sufferer, with infuriated looks, desired the priest to get out of the way, for that he felt a desire to bite every body he could catch hold of. An old woman who was present,

sent, said she would undertake his cure; and although there were none who believed it possible that she could effect it, yet the hope that she might do so, and the certainty of the patient's death if nothing were attempted, bore down all opposition, and her services were accepted. She poured a powder into half a glass of water, mixed it well, and in the intervals between the paroxysms she forced the mixture down his throat. The effects were exactly such as she had predicted: namely, that he would almost instantly lose all power over his bodily and mental faculties, and that a death-like stupor would prevail, without any symptoms of animation, for either twenty-four or forty-eight hours, according to the strength of his constitution; that at the end of this period, the effects of the mixture would arouse the patient; and its violent operation, as emetic and cathartic, would last about ten or fifteen minutes, after which he would be able to get upon his legs, and would feel nothing but the debility which had been produced by the combined effects of the disease and the medicine. She mentioned also, that the fluid to be discharged from the stomach would be as black as charcoal, and offensive to the smell. All this literally took place at the end of about twenty-six hours; and the patient was liberated from one of the most horrible and affecting deaths to which mortality is subject.'—pp. 114, 115.

He *believes* that hellebore is the antidote made use of, and *thinks* that its botanical name is *veratrum sebadilla.*

At the town of Babiácora our traveller met with one of the revolutionary half-pay colonels in the Mexican army, of the name of Vicente Gomez, a monster, on a smaller scale, fully equal to Robespierre. One extract will suffice as a specimen of this savage.

'He once took a prisoner whom he ordered to be sewed up in a wet hide, and exposed to the sun, by the heat of which it soon dried and shrunk, and the wretched victim died in an agony which cannot be described. Another he ordered to be buried in the sand up to his chin, and then directed the manœuvres of two hundred cavalry over his head. A priest fell into his power, without knowing him, and was expressing a hope that he was not a captive of Vicente Gomez. "Why, father?" said the latter. "Because he is cruel and sanguinary, and it is said, that no spectacle is so grateful to him as the sight of human blood." "Father," said Gomez, "I question whether the person you mention is so fond of human blood as you say; I will show him to you if you will come; and you shall judge for yourself." The trembling friar hesitated to obey, for the name of Gomez had almost frozen the blood in his veins. But Gomez invited him forward in the most courteous manner; and the friar, gradually yielding to the hope which his mild address inspired, although reluctantly, obeyed. When they reached the spot where the banditti were assembled, he ordered a large chest to be made, which, when finished, he politely invited the padre to enter, an invitation which did not fail

to

to awaken a suspicion in his breast of the dreadful fate which awaited him; and using all his powers of eloquence and persuasion, he modestly observed, "If he loved God and feared His judgments, not to suffer one of His ministers to perish by the hands of assassins, and in so cruel a manner." But Gomez, who was neither to be softened nor terrified, said, "Father, lose not time, which is so precious to thine own soul! Enter the chest, examine its interior, and see whether it is a fit machine for your conveyance." The trembling father slowly obeyed. The cover was put on and nailed down; and as Gomez drove in the last nail, he addressed the padre, saying, "Father, you shall now be convinced that Vicente Gomez does *not* like to see human blood shed;" and then left him to die from suffocation! Other cruelties he practised; but I have given sufficient instances already.'—pp. 124, 125.

At length a letter was received by the pearl-fishing commissioner, announcing the arrival of the Wolf and Bruja at the port of Guaymas, and stating the failure of success at Mazatlán, where it was reported a pearl-oyster bed had recently been discovered —the existence of which, however, turned out to be 'an invention from beginning to end.' This was an unpromising beginning; but it was hoped, that better success would attend their attempts at Loréto, 'where the best pearls are said always to be found;' and thither he directed the Wolf to proceed, reserving the Bruja to investigate the island of Tiberon, 'where,' he observes, 'my chief hopes of *new discoveries* rested.'

The two vessels were equally unsuccessful. The drags and diving-bells were soon found to be of no use. The lieutenant, therefore, thought it advisable to look out for some experienced native divers, but of these four only could be obtained, all of them Indians of the Yaqui nation. They had no success, but this only made the zealous lieutenant resolve to become a diver himself.

'Accordingly, taking a leap from the bows of the boat, full of hope and resolution, with my fingers knit together over my head, the elbows straight, and keeping myself steadily in the inverse order of nature, namely, with my feet perpendicularly upwards, the impetus carried me down about four fathoms, when it became necessary to assist the descent by means of the hands and legs; but, alas! who can count upon the firmness of his resolution? The change of temperature from warm to cold is most sensibly felt. Every fathom fills the imagination with some new idea of the dangerous folly of penetrating farther into the silent dominions of reckless monsters, where the skulls of the dead make perpetual grimaces, and the yawning jaws of sharks and tintereros, or the death-embrace of the manta, lie in wait for us. These impressions were augmented by the impossibility of the vision penetrating the twilight by which I was surrounded, together with the excruciating pain that I felt in my ears and eyes; in short, my mind being assailed by

by a thousand incomprehensible images, I ceased striking with my hands and legs; I felt myself receding from the bottom; the delightful thought of once more beholding the blue heavens above me got the better of every other reflection; I involuntarily changed the position of my body, and, in the next instant, found myself once more on the surface. How did my bosom inflate with the rapid inspirations of my natural atmosphere, and a sensation of indescribable pleasure spread over every part of the body, as though the spirit was rejoicing at its liberation from its watery peril!'—pp. 251, 252.

However, at length a great number of shells were collected in the gulf of Moléxe, out of which our enterprising officer hoped to reap a rich harvest; but, alas! when they came to be examined, 'six very small pearls were all that the large number of shells produced!" This was disheartening enough. The difficulty, too, of dislodging these barren oysters had required considerable strength and no little tact.

'So firmly does the oyster fix himself to the rock, that, in order to tear him away, it is necessary to get "a purchase" upon him, by placing the feet on the bottom. The excessive difficulty of doing this is incredible: it requires the muscular strength of the whole body to overcome the resistance of the water's buoyancy. I have no doubt that, by means of its long beard, the oyster has the power of locomotion, and that it changes its situation according to its pleasure or convenience.'—p. 254.

From his Indian divers, however, our author acquired a piece of information which may be of use to him, as a seaman, on other occasions—how to hold at defiance the largest sharks, which were here of the enormous size of thirty feet in length. 'I have myself descended,' he says, 'when the horizon was filled with the projecting fins of sharks rising above the surface of the water.' Nothing, it seems, can be more simple; it requires only to be armed with a small stick, and, with this in his hand, the diver fearlessly plunges down in the very midst of these voracious creatures. Yet, even with this guard, he admits that, in moments of cool reflection, he would no more be capable of braving one of these implacable monsters, 'than of entering the tiger's den, before his breakfast, at Exeter Change.'

'This stick is about nine inches long, and is pointed at both ends. The diver grasps it in the middle, and when attacked by a shark, he thrusts it into the monster's expanded jaws, in such a position, that, in attempting to seize his victim, the jaws close upon the two sharp points; thus secured, he can do no mischief, but swims away with his martyrdom; the diver rises, and seeks a new weapon of defence.' —p. 256.

But what if a second enemy grappled before he could find one?

While

While on the subject of sharks, we cannot possibly omit the following most strange subaqueous adventure, which Don Pablo, once a superintendent of the fishery, and himself a most expert diver, related to our author.

'The Placer de la Piédra negada, which is near Loréto, was supposed to have quantities of very large pearl-oysters round it—a supposition which was at once confirmed by the great difficulty of finding this sunken rock. Don Pablo, however, succeeded in sounding it, and, in search of specimens of the largest and oldest shells, dived down in eleven fathoms water. The rock is not above one hundred and fifty or two hundred yards in circumference, and our adventurer swam round and examined it in all directions, but without meeting any inducement to prolong his stay. Accordingly, being satisfied that there were no oysters, he thought of ascending to the surface of the water; but first he cast a look upwards, as all divers are obliged to do, who hope to avoid the hungry jaws of a monster. If the coast is clear, they may then rise without apprehension. Don Pablo, however, when he cast a hasty glance upwards, found that a tinteréro had taken a station about three or four yards immediately above him, and, most probably, had been watching during the whole time that he had been down. A double-pointed stick is a useless weapon against a tinteréro, as its mouth is of such enormous dimensions, that both man and stick would be swallowed together. He, therefore, felt himself rather nervous, as his retreat was now completely intercepted. But, under water, time is too great an object to be spent in reflection, and therefore he swam round to another part of the rock, hoping by this means to avoid the vigilance of his persecutor. What was his dismay, when he again looked up, to find the pertinacious tinteréro still hovering over him, as a hawk would follow a bird! He described him as having large, round, and inflamed eyes, apparently just ready to dart from their sockets with eagerness, and a mouth (at the recollection of which he still shuddered) that was continually opening and shutting, as if the monster was already, in imagination, devouring his victim, or at least that the contemplation of his prey imparted a foretaste of the *goût!* Two alternatives now presented themselves to the mind of Don Pablo; one, to suffer himself to be drowned—the other, to be eaten. He had already been under water so considerable a time, that he found it impossible any longer to retain his breath, and was on the point of giving himself up for lost, with as much philosophy as he possessed. But what is dearer than life?—The invention of man is seldom at a loss to find expedients for its preservation in cases of great extremity. On a sudden he recollected, that on one side of the rock, he had observed a sandy spot, and to this he swam with all imaginable speed; his attentive friend still watching his movements, and keeping a measured pace with him. As soon as he reached the spot, he commenced stirring it with his pointed stick, in such a way that the fine particles rose, and rendered the water perfectly turbid, so that he could not see the monster, or the monster him. Availing himself of the *cloud*, by which himself and the tinteréro were enveloped, he swam

very far out in a transvertical direction, and reached the surface in safety, although completely exhausted. Fortunately, he rose close to one of the boats; and those who were within, seeing him in such a state, and knowing that an enemy must have been persecuting him, and that, by some artifice, he had saved his life, jumped overboard, as is their common practice in such cases, to frighten the creature away by splashing in the water; and Don Pablo was taken into the boat more dead than alive.'—pp. 257—260.

As a *pendant* to this extraordinary escape of Don Pablo from the jaws of an aquatic monster, may be placed that which occurred to Mungo Park's guide, Isaaco, when he rescued himself from the fangs of a large alligator, as related in the last journal of that lamented traveller. They were swimming the mules over a river,—the Ba Woolima, if we recollect rightly—when Isaaco was drawn from his mule under water, by one of these monsters, which had fixed its fangs into his thigh; the man deliberately put down his hand, and gouged out the creature's eye, on which it immediately let loose its hold; but suddenly, to his horror, he felt it grasping the opposite thigh, and, again putting down his hand, succeeded in gouging out the other eye; when the animal departed, and they saw nothing more of him, except the blood which stained the water. But poor Isaaco was in a fever from the wounds he had received, and the party were obliged to halt for several days on the opposite side of the river, before they could venture to proceed. The most expert Kentuckian, when gouging was in the height of fashion, could not have performed the operation with more dexterity than this Mandingo priest.

On the arrival of Lieut. Hardy at the island of Tiburon, the first objects of eager inquiry and research were those pearl shells and native gold spots, which he had been told were here most abundant, though unapproachable on account of the savage disposition of the Indians; but, like most Mexican reports, these proved destitute of any foundation. Instead of pearls, the only thing they fished up was abundance of cockles. The native Indians, by our traveller's account, are wholly ignorant of the value of gold; and so far were these poor creatures from deserving the character given to them by the Spaniards, that the commissioner found them most civil, harmless, and inoffensive.

Mr. Hardy now proceeded up the gulf in his little vessel, and observed along the shore plenty of seals, and in the water, sharks, that, he says, looked like whales; many of them could not be less than thirty feet long. His intention was to enter the Rio Colorado, which falls into the gulf at its upper extremity, for the purpose of procuring provisions from the Indians, and of 'picking up gold dust at the same time,' which, after all his disappointments, he seemed to entertain but little doubt must abound there,

there, more especially as he had been assured that an Italian priest had, not long before, procured nearly two hundred thousand dollars' worth of it from the sand of this river, in a very short space of time. After a somewhat intricate navigation, he entered the river, and ascended it to a considerable distance; but the result was once more total disappointment, and the descent of the stream was difficult and hazardous. Its sand, which he had abundant means of examining, is full, he says, of a glittering sort of tinsel, which shines beautifully when the sun is upon it: but he supposes it to be nothing more than the broken laminæ of talc, of a golden or copper colour; and to this delusive appearance he attributes the grand stories of the Jesuits, who once endeavoured to form an establishment on the banks of the Rio Colorado. As the best mode of communication between Arispe and other chief towns of Sonora, and thereby avoiding the navigation of a stormy and dangerous gulf, the present government, it is said, applied to the Indians, to admit a Christian settlement along its shores. The reported answer is more clever than we should have expected from such a people as our lieutenant describes this to be, though we find great shrewdness and good sense among many of the Indian tribes of North America.

'"There is among us no quarrelling or fighting for another man's property. We live happy and contented among ourselves, and respected by our neighbours. Our women take care of our children. They are trained up with sentiments of valour, and not of revenge, unless urged on by insult and injury. Among Christians, how different! They drink *fire*, they beat their families, and assassinate their friends. They rob each other, and, under the sign of the cross, they persecute the helpless and betray the strong. Their old men are unfit for counsel, as the *fire* which they drink makes them mad. Among whatever Indian tribe they settle, as they say, to make them happy, they only stir up discord; and their captains are cruel tyrants. How, then, can we suffer Christians to come among us? Our nation is disposed to be at peace with the white men, but our warriors have sworn that they will not suffer you to dwell amongst them.'"—pp. 232, 233.

In fact, they appeared to be jealous, at the first interview, even of the lieutenant's small party, and those he saw were evidently in the lowest state of poverty; the men being entirely naked, and the women having nothing but a few strips of the inner bark of willow or acacia tied scantily round their waists. They have, however, fishing-nets beautifully made of grass, and baked earthen jars as large as two feet in diameter in the swell, very thin, light, and well-formed. That such a people should be addicted to all manner of superstition is by no means extraordinary; and,—though when our lieutenant pronounces *all* their old women to be regular practitioners of witchcraft, we cannot exactly believe

him,—we have no doubt those supposed by others, and even by themselves, to enjoy extraordinary powers through the aid of charms and devils, may be numerous. It is hardly more than two hundred years, since dozens of poor old women were strangled and burnt in Scotland,* to say nothing of what happened nearer home still, on such charges, to which, in many cases, they actually pleaded guilty. The ignorance of these Indians of everything connected with a superior state of civilization is something much more surprising, and especially when it is considered that they are 'only one day's journey and a half from the mission of Santa Catarina.' Lieutenant Hardy says, they imagined his vessel, as she sailed up the river, to be some 'large bird,' one of those unknown objects which their countryman, Montezuma, three centuries ago, considered as 'divine monsters,'

'That float in air, and fly upon the seas.'

They have no domestic animals but dogs; and, to complete the picture of their misery and degradation, they sell their children to any one that will buy them for the merest trifle. Lieutenant Hardy bought one for a pocket-handkerchief—a proceeding of which few of his readers will approve, though he appears to have taken good care of it ere he quitted Mexico.

Whether this petty tribe on the Rio Colorado, so far removed from the capital and central parts of Mexico, were at any time in a better condition than at present, we have no means of judging: but the Indians generally have good reason to lament the overthrow of the Spanish viceroyalty of Mexico. Under *that* particular government they were treated with much kindness, were suffered to live apart, and to work or to be idle as suited their inclinations, or to live in the midst of the Spanish and creole population. Here they formed the only industrious portion of the inha-

* See the admirable chapter on witchcraft in Baron Hume's Commentaries on the Criminal Law of Scotland. We may take this opportunity of noticing a very curious publication which is at present going on at Edinburgh under the auspices of the Bannatyne Club—(a club which has done more good in three or four years than the Roxburghe since its existence begun)—entitled 'Criminal Trials from the Records of the Court of Justiciary,' by Mr. Pitcairn. The witch trials during the reign of James VI., now for the first time given in detail, are among the most interesting materials of this collection, and well deserving of more than a passing notice. One of the most eminent of the practitioners executed during James's time, was Agnes Sampson, commonly called 'The wise wife of Keith,' who appears to have been a very tolerable poetess, if she composed that 'prayer and incantation for hailling of seik folkis,' for the use of which, *inter alia*, she was 'tane to the Castell-hill of Edinburgh, and thair bund to a stake, and wirreit (strangled) quhill sche was dead, and thairefter her body brunt in assis,' in the year 1590. We insert her incantation:—

'All kindis of illis that ever may be, in Chrystis name I conjure ye;
I conjure ye, baith mair and less, by all the vertewes of the mess;
And rycht sa, by the naillis sa, that naillit Jesu, and na ma;
And rycht sa, by the samyn blude, that reikit owre the ruithful rood,
Furth of the flesh and of the bane, and in the erth and in the stane,
I conjure ye in Goddis name.'

bitants.

bitants. Indolence and gaming being the predominant vices of the creoles from the highest to the lowest, they were supplied with the necessaries of life by the manual labour of the Indians. These were the agriculturists, miners, fishermen, handicraftsmen, and domestic servants. Among those tribes which preferred to remain on their ancient territory, missionaries were established to instruct them in agriculture and the Christian religion; but the abstraction of the revenues by which these missions were supported, and the general impoverished state of the country, in consequence of the various revolutions and party contentions, have diminished greatly the former demand for the labour of the Indians; and these circumstances may explain the state of poverty and wretchedness in which Mr. Hardy found those of Rio Colorado.

The lieutenant, being at length happily released from a confinement of six-and-twenty days in this Rio Colorado, in which he sought in vain either for pearls or gold-dust, made the best of his way to Guaymas, in order to escape those 'terrible gales of wind, called *cordonazos*, which commence a few days before the equinox,' —a point in the ecliptic which, by some strange mistake, he makes to fall on the 21*st* of *August* (p. 387). Arriving at this port, and judging it to be a mere loss of money and time any longer to continue the fishery in the gulf of California, he prudently determined to sell one of his little vessels, and send the other to Acapulco for a freight. Thus ended all the Eldorado visions of 'The General Pearl and Coral Fishery Association of London.'

It cannot be denied that Mexico, and more especially a considerable portion of the industrious Indian population, have benefited by the money sent from this country by our speculators in mining, much more than the latter are ever likely to benefit themselves; at least, very little of the produce of the mines has yet been returned to this country in the shape of profits. We doubt indeed, —with the exception, perhaps, of the Bolanos mine—whether the produce will ever cover the capital already expended, the further sums required to be advanced, and the cost of the quicksilver which must be purchased and sent out, as absolutely necessary for the reduction of the ore. This influx of wealth into Mexico has not only given employment to many thousands of native creoles and Indians, in and about the mines, but has contributed mainly to restore the agricultural labour of the country, more particularly in the adjacent districts, encouraged commercial enterprise, and infused a general spirit of activity and industry among the people. Mexico, in fact, wants only a firm central government, composed of able and honest men, in which all the provincial governments should merge, to make it one of the most flourishing portions of America, capable as it is of producing every necessary and luxury of life for home consumption and exportation,

tation, and enjoying one of the most delightful and healthy climates on the face of the earth. But it will require time for the revolutionary elements to separate, subside, and settle into their proper places. The absurd invasion of Barrados will, undoubtedly, have a tendency to shorten the progress towards this state of harmony and prosperity.

ART. III.—1. *Commentaries on the Causes, Forms, Symptoms, and Treatment, Moral and Medical, of Insanity.* By George Man Burrows, M.D., Member of the Royal College of Physicians of London, &c., &c. London. 1828.

2. *Observation on Madness and Melancholy, including Practical Remarks on those Diseases, together with Cases, and the Morbid Appearances, on Dissection.* Second Edition. 8vo. London. 1809.

OF practical works, which can be of use to the young physician when consulted about cases of insanity, we have in English medical literature almost none. The book of Sir Alexander Crichton, though the production, obviously, of a man of understanding and reading, affords the young physician no assistance in his practical duties to his patient: the same may be said of Dr. Arnold's 'Observations on Insanity,' 1806; it is full of learning and metaphysics, but to the medical practitioner quite useless. There is a volume of cases by a Dr. Perfect, who many years ago kept a private madhouse somewhere in Kent; he has related the cases which he treated in his own house. Some practical information may be picked up out of this volume, but not much: he used to give camphor sometimes in the dose of two scruples—a dose which Professor Christison of Edinburgh asserts is fatal. The 'Treatise on Madness,' by William Battie, M.D., is a quarto pamphlet in ninety-nine pages, and should be read as one of the few works of experienced physicians. We may say the same thing of the work of Dr. Munro: there is not much to be gleaned,—but an experienced man is always worth listening to; we would add, on practical subjects, nobody else.

We have now before us the last work of any practical value which has been written in England—Haslam's Observations on Madness and Melancholy. The first chapter of this book is on the definition of madness. In it we are informed that *mad* is originally Gothic, and meant rage—that it was spelt *mod*, but is now spelt *mad*, in proof of which we have a line from Chaucer's Knight's Tale. Then comes a passage from Beddoes, not worth extracting. Then we are told that delirium comes from *de lira*, out of the track—that *crazy* comes from the French *écrasé*, crushed,

crushed; whence, also, *cracked*. Next comes a little bit of metaphysics, in which it is laid down that there are no such faculties as imagination, judgment, reason, and memory; and why? because the language expressive of these faculties has been borrowed from external objects—thus, *contrition* comes from *cum* and *tero*: but you cannot rub one piece of the mind against another, therefore there is no such emotion as that which the deluded public call contrition. After a few such specimens, equally logical and conclusive, supported by a reference to Horne Tooke, and a criticism on Dugald Stewart, and Ihre's *Glossarium Suio-gothicum* (only think of placing such food before the student hungering and thirsting for practical knowledge)—we light upon a theory of conjunctions; then a stupid passage out of Paracelsus; then a witless sneer at the Rev. Dr. Willis; then we are informed that some believe that lunatics are possessed of a devil, and that Paracelsus says that a devil gets into a lunatic as a maggot gets into a filbert. Next we are indulged with a passage of several pages from the Breviary of Health of Andrew Boorde, alias *Andreas Perforatus*, who, we are told, is believed to have been physician to Henry VIII., but was certainly a fellow of the College—circumstances of obvious interest and importance in a treatise of practical instruction. Then follow sundry criticisms on Dr. Ferriar, who, we are assured, was a man of genius, learning, and taste; that he was possessed of a good deal of out-of-the-way reading is certain, and as to the other qualities, we grant him as much taste as a man without a spark of genius could have. The whole of this precious farrago is concluded by the favourite material of writers of insanity, some scraps of poetry.

If it be too much to expect that the writer should unplume himself of his reading and his whims, in the name of common sense let them be thrown into an appendix of notes, where he may delight his own vanity, and amuse the curiosity of the idle reader; but let them not be placed in the text, where they act as so many locks, in which the student, in pursuit only of useful information, is detained, to be hoisted up or lowered down, according to the level of the stream, and pay the heavy toll of time and tantalization, before he is launched again on the current of plain and instructive discourse.

Thus thirty-eight pages are filled—at the conclusion of which the poor anxious student knows about as much as he did at the beginning, touching the definition of insanity. Such writing as this is a fraud upon the reader; when he asks for bread, it is to give him a stone—it is, to use the expression of Jeremy Taylor, about the popular preachers of his day, 'to amuse him with gaudy tulips and useless daffodils, not with the bread of life and medicinal plants

plants growing on the margin of the fountains of salvation.' Yet, notwithstanding all these imperfections, Dr. Haslam's work is one of the most valuable hitherto produced in this country, on a subject remarkable for the mediocrity of those who have written on it in all countries; and if the student can learn to skip his metaphysics, his etymologies, his extracts from obsolete books, and his poetry, he will find some really useful information on the symptoms of the disease, on its causes, its probable duration, its chances of cure, the mode of managing a patient with regard to liberty or confinement; and the value of the different medicinal remedies employed in the course of Dr. Haslam's own extensive practice.

Next in order we would mention the extraordinary volume of Mr. Nesse Hill: we never read such a one before, and are pretty sure we shall never read such another. It contains a few good cases at the end; a few remarks, the result of his own experience; a few good prescriptions; but nineteen-twentieths of the book are the most extraordinary piece of patchwork under which an unskilful author ever buried his mite of instruction. We do not believe twelve people ever read the book from beginning to end.

A third systematic work on insanity, produced by an English practitioner in mental diseases, is that bulky volume, entitled 'Commentaries on Insanity,' by George Man Burrows, M.D. The book is a wretched compilation of scraps, gathered from all sorts of sources, and full of inaccuracies, from quoting at second-hand, or from memory. This Dr. Burrows publicly acknowledged, but said the cause was, a thief had stolen his portfolio, which might have been a good reason for not publishing the book at all, but certainly can afford no apology for publishing it in this absurd and useless condition. The author, in truth, undertook a task to which his mind was totally unequal, having neither the accuracy and skill of the compiler, nor the talents of an original observer and thinker; it is lamentable that such a mass of trash should be in the hands of the English student of mental diseases, and go forth to foreign nations as a specimen of what the English mind is capable of effecting on such a subject.

The book which comes the nearest to what the English practical student is in want of, is entitled 'Outlines of Lectures on Mental Diseases,' by Alexander Morison, M. D. In its present state, however, it is a mere skeleton, and requires to be clothed with more detailed information—a task which we hope Dr. Morison will perform; nor, in as far as regards the selection of materials from the writings of others, can we offer him better advice better expressed than Van Helmont once gave to two students, who put to him the modest question how to attain certain truth, viz.:—

'You

'You must imitate a wise judge, who (in a matter that comes to be tried before him) from the duly agreeing depositions of several witnesses, having an *actual* and *experimental* knowledge of the thing, doth orderly put together that judgment, which they by their infallible evidences do in parcels bring to him; and, having made a whole of those parts, doth afterwards pronounce the same—wholly rejecting the depositions of false witnesses, as also of those who have nothing else to say or depose, but I believe it, I think it, I suppose or take it to be so, &c., as not at all serving his purpose.'

We have been induced to make these few observations upon the different works named at the head of our paper, because our attention, and that, we take it for granted, of every thinking individual in the country, has been recently engaged by the extraordinary case of Mr. Davies. It is by far the most important lunatic cause which has been tried in our time: it brings into broad daylight the important question, whether great eccentricities of character, or, to take wider ground still, the minor degrees of mental unsoundness, make a man a fit subject for confinement in a madhouse. It discloses the frightful fact, that any two medical men, no matter how deficient in understanding and knowledge, have the power, by writing six lines, and signing them with their names, to incarcerate an eccentric and absurd individual in a mad-house, involve him in ruinous expenses, and make his restoration to liberty depend on the accidental verdict of a jury. It shows the principles, or rather no principles, by which the personages entrusted with this extraordinary power are guided in the exercise of it; and we think we shall be able to show that it lets out the secret sophism by which they are misled, and which, as long as their minds continue to be subject to it, will be perpetually leading them into errors, which, though of little consequence to *them*, are most disastrous to their unfortunate victims. To make our readers clearly understand the case, and the important questions which hinge on it, we must consider *seriatim*—First, the natural or habitual character and habits, under which Mr. Davies has contrived to be a kind friend, a useful member of society, and an eminently successful tradesman; secondly, the state of his mind during that excitement or disorder which caused him to be written down a lunatic, incarcerated in a madhouse, involved in the enormous expenses of a commission, and exposed to the frightful risk of permanently losing his liberty; thirdly, his present calm and collected state,—that same state in which his friends affirm he has been known to them from his boyhood,—but which our most eminent physicians for diseases of the mind pronounce, even down as late as the 8th December, to be such a state of mental unsoundness, as ought to deprive Mr. Davies of personal freedom and the controul of property.

1. Mr. Edward Davies was born of very humble parents, his mother being a cook, and his father a publican. He was put to school at Westbury, in Suffolk, where Mr. Low, his present head clerk, was his school-fellow for two or three years. Mr. Low describes him as being, in those days, 'particularly shy,' and scarcely ever mixing with the other boys at play, but, nevertheless, as being generally considered sharp and intelligent. After Mr. Davies quitted school, Mr. Low lost sight of him till 1825, when, coming to London, he found him established as a tea-dealer in Philpot-lane. Mr. Low describes him as exhibiting in this situation the same singularity of character which had marked him when a boy: he was nervous, shy, and eccentric in his manners, but he was indefatigably industrious, and remarkably clever at his trade, particularly in the choice of teas, and in the art of mixing them so as to procure a fine flavour. By these talents, together with contenting himself with smaller profits than other dealers, he had acquired a great and profitable business. He was habitually so anxious and nervous, that the night before the great tea sales at the India House, he could not sleep; was often agitated while a sale was going on, for fear the purchases which he had directed should not succeed; and when the sale was over, he was sometimes so exhausted as to require cordial medicine to revive him.

Mr. Davies was occasionally a severe sufferer from that kind of stomach complaint which physicians call dyspepsia: his ordinary health, too, was delicate. He was fond of reading medical books; and, like most persons who indulge in such a taste, was fanciful about his complaints, and subject to false alarms. Having received no other education than that of a village school, and been closely occupied ever since he left it with the drudgery of business, when he had become a man of property and importance, he found himself deficient in information, and endeavoured to supply the defect by the perusal of what he took to be the best authors; but, like many men who take to educating themselves late in life, he was ridiculously vain of his new acquirements, and was fond of *showing off* to those who knew less than himself, by the greatest of all banes to social enjoyment, long quotations, which he would spout with a theatrical air, and with an allowance of gesticulation not usual among Englishmen; for his limbs seemed set on his trunk by very flexible springs, and in the ordinary intercourse of life displayed unusual mobility.

A remarkable circumstance in our tea-dealer's character was timidity: a weakness of spirit—a willingness to submit to those with whom he lived rather than contend for his own will. The consequence

consequence and proof of this was the extraordinary extent to which his mother (now Mrs. Bywater) governed him. Though he was twenty-seven years of age, had the whole direction of his business, and had saved considerable property for so young a man, the old lady would not allow him to carry any money in his pocket, nor to spend the most trifling sum, without her advice and permission. He dared not go to the play, or leave the house for a few hours, without asking her leave. She would turn him out of his shop if he displeased her. In short, her power over him was not like the influence of a mother over a grown up son, but the government of a hard mother over a child. Foreseeing that, if her son married, she should be displaced from the management of his house, the controul of his conduct, and the command of his purse, she was at great pains to prevent his meeting young women, whose personal qualifications seemed likely to engage him. We have said the command of his purse; for she took various opportunities of inducing him to give considerable sums of money to different branches of her family. To one, for example, she induced him to give 1000*l.*; to another, 300*l.*; to another, 200*l.*, and so on.

It appears, then, that this tea-dealer; in his natural or habitual state of mind, was easily agitated, anxious and fanciful about his complaints, vain of his self-taught literary acquirements, fond of spouting quotations with great emphasis and gesture, abjectly timid; yet, with all these singularities and infirmities, an able and successful tradesman, and in all the affairs of life thoroughly competent to take care of himself and his property. We have been thus particular in marking and collecting together the peculiarities of his mind—and we beseech our readers to bear them in recollection,—because it is necessary to know how a man commonly acts under ordinary circumstances, in order to judge of his actions when placed under extraordinary ones. In examining the condition of a man's mind, for the purpose of determining whether it is sound or not, some standard of sanity must be taken to compare it with; but with what do physicians generally compare it? With the precise knowledge which they have of the workings of their own minds;* with the more vague and general notions which they have of the minds of other sane persons; and with their experience of what they consider insane minds. These are the things they look to; but there is another standard with which they never think of comparing it, but with which it is more important to compare it than with all the others put together, and

* Dr. Haslam, in his book on 'Melancholy and Madness,' says—'The practitioner's own mind must be the criterion, by which he infers the insanity of any other person.'—Page 37.

that

that is, the mind of the supposed lunatic himself, in its natural, habitual state,—that state in which the experience of many years proved him to have been capable of managing himself and his affairs. We come now to the second part of our narrative: the causes, progress, and ultimate height of that mental excitement, whatever it was, which led to the confinement, and all the subsequent disasters of this person.

2. Mr. Davies having attained the age of twenty-seven, perceiving himself to be a successful and prosperous tradesman, of which he had solid proofs in the great extent of his business, and in the property which he had laid by, began, as most men would do under similar circumstances, to feel weary of the childish submission in which he was kept by his mother. Grown up sons and mothers seldom live long together in harmony. Among the lower animals it is remarkable: the old hen as soon as her brood have grown up drives them away. Mr. Davies made many attempts to emancipate himself; he offered to leave the shop in Philpot-lane to his mother and take his own property away, or to give her 7000*l.*, on her consenting to leave the concern; but she rejected both these proposals, and clung to him with as much tenacity as the Old Man of the Sea did to Sindbad the sailor; there was no shaking her off: once, after a violent altercation, he left his house and went to Brixton, resolving not to return till his mother was removed; but a relative brought them together again by stealth, and he was conducted back in triumph to Philpot-lane, there to resume his former abject condition. The struggles between the poor man and his mother, the one for emancipation and the other for power, waxed gradually stronger during the winter of 1828—1829. In June last they reached their acme, when, one day after an unusually warm dispute, the old dame vehemently uttered this memorable expression, 'I'll make you repent this before the end of the year.' He little thought what she meant at the time. This incessant state of contention acting on a feeble body, a sensitive mind, and not a very firm understanding, soon began to impair both his bodily health and his mental tranquillity. We shall pass over the incipient state of his malady, and come to that which was witnessed by Mr. Lawrence on the 1st of July, when Mr. Davies called on him at his own house in Whitehall-place. 'He complained,' says Mr. Lawrence, 'of uneasy feelings about his throat.' Mr. Lawrence examined it, but could see nothing unusual. After a long story about his health, he began to talk about his tea trade; his look was wild and his manner hurried. Mr. Lawrence saw him three days after in Philpot-lane; his conversation was here also very rambling; he recited poetry, and seemed

to

to forget that his health was the object of Mr. Lawrence's visit; he expressed a strong antipathy to his mother and several relations; said that people were jealous of his success, and tried to insult him by their looks. He generally fastened the doors for fear of being overheard. He went down on his knees to Mr. Lawrence, and in talking used much gesticulation. Mr. Lawrence considered him of unsound mind; he told Mr. Hobler, that if he could be reconciled to his mother and family, the disease would be at an end—that his antipathy to his mother was his chief delusion.

About this time, Mrs. Bywater placed her son under the care of Dr. Burrows. Mr. Davies had the greatest horror of a mad doctor, whom he considered as the captain of a band of jailers. The name *Burrows*, therefore, immediately raised his excited and agitated mind up to the boiling point: in a word, he considered that this doctor's visits were the preliminaries to incarceration in a hopeless dungeon—and felt as much terror in the prospect of being shut up in the Retreat at Clapham, as Juliet did in that of being couched in the immediate neighbourhood of

'Bloody Tybalt, yet but green in earth.'

What he did under this predicament was not, however, the act of a madman; he knew that the legal instrument by which a lunatic is confined is the certificate of a physician, stating that he is insane; and that this might be counteracted by the certificate of another physician, stating that the individual is not insane; he, therefore, proceeded to search after one of those physicians who view the singularities of mankind with a benignant eye, and are slow to give them so harsh a name as insanity. He purchased the report of Lord Portsmouth's case, examined the evidence of the medical witnesses, judged that Dr. Latham was likely to answer his purpose, and immediately went to his house in Grosvenor-street. Here he found that he had come to Dr. Latham the son, not, as he intended, to Dr. Latham the father; but he, nevertheless, proceeded to explain his case, and the doctor himself shall describe the interview:—

'*Dr. Latham.*—I have seen Mr. Davies on two occasions. The first was on the 28th of July. He called upon me; he stated that he did so to obtain my protection. He produced a pamphlet containing the proceedings on Lord Portsmouth's commission of lunacy, and he said he called on me in consequence of the evidence I gave on that occasion. I said it was not my evidence, but my father's. He said he liked my looks, nevertheless, and was sure I should afford him the same protection. This he said in a very hurried manner. He then took a chair and drew himself close to me. He seized my arms with some force, and said in a kind of whisper, that he had a tale to relate me

me of the greatest horror. He then flung himself from me, and stalked into the middle of the room. He looked inquisitively into every part of the room, and asked if it were possible for any one to overhear us. He begged he might lock the doors and close the window, which happened to be open. I permitted him to shut the window, but not to lock the door. He then resumed his seat, and again laid his hands on me, and said he had a most horrible circumstance to relate. He again started into the middle of the room, tore off his cravat, and tore open his shirt. He then threw himself into a variety of attitudes, and began to mutter something, but nothing intelligible. Again he told me to prepare for a tale of horror, but he did not tell it to me. He continued to talk in a very unconnected manner for very nearly an hour; but it was difficult to collect the sense of what he said. In the course of this time I often reminded him that he had not related to me his horrible story; but he always flew off to something else. At going out of the room, I again reminded him of it, and he said,—it was only a few days before that his mother had revealed to him that a near relation of his, I believe an uncle, was insane; and he would not leave me till he exacted a promise that I should visit him next day; and he added, that he had fled to me for protection. He told me he had been under the care of Mr. Lawrence and Dr. Burrows, and he said Dr. Burrows wished to put him into confinement. He did not know, he said, what was Mr. Lawrence's opinion, but he asked me if I thought him insane. I did not answer him. He spoke to me of his wealth, his skill in conducting his trade, and his knowledge of literature. He did not say which department of literature. He quoted poetry largely; he spoke theatrically; used great gesticulation, and threw his arms about. He quoted Lord Byron and Shakspeare. I was not acquainted with the particular passages, so as to say they were correct. They were out of the way and rambling like the rest of his conversation. During the whole of our interview there was no consistent subject of conversation. He rambled from one subject to another. Several times he asked me, whether I thought he looked like a man insane? When leaving my house, he said these very words:—"If you fail, dread the revenge of a madman; for I carry loaded pistols." (This referred to my promise to call on him.) I did not see any pistols with him. I have no doubt that the words I use were those he uttered. I had a very strong impression that he was insane. His conduct left no doubt on my mind on that subject. I saw him the day after, but I had no reason to alter that opinion. I have not seen him since. Mr. Davies told me that Dr. Burrows wished to have put him in confinement. I won't say that he used the words "mad house," but I inferred that was his meaning. I was at the time when I made my affidavit prepared to recommend that he should be put under some restraint, but not that he should be shut up as an acknowledged lunatic. I was not prepared, *without much further investigation of his case*, to recommend the extreme measure advised in such cases.'

Considering

Considering that he had no hope of safety from a madhouse but in flight, Mr. Davies shortly after this left his house in Philpot-lane; and after wandering about the streets and dining at a pastrycook's on gingerbread, he went to spend the night at Furnival's Inn; but here the scene shall be described by the only eye-witness of it—

'*Mr. John Kendrick.*—I know Mr. E. Davies, but merely from his calling at Furnival's Inn coffee-house, on the 3d of August, about three o'clock in the afternoon. I am waiter there, and nephew to the mistress of the hotel. He talked very wildly, putting his hand to his head and breast. I did not think him in a fit state to be in the coffee-room, and I therefore took him into the bar. I did so, because he was pulling out his watch every minute, whispering by my ear, laughing loudly, and shaking me about. He desired me to go to Mr. Forbes, of Ely-place: I went there; and Mr. Forbes came to him. I know nothing of what passed between them. Mr. Davies went to bed at our house, about ten o'clock that night. He did not dine; but he took some soup, a bottle or two of soda-water, and had some supper at our house. He rang the bell about one o'clock: I went up to his bed-room, and knocked at the door. He inquired whether I was the nephew of the landlady of the house? I told him that I was. He said, "there are thieves in the house; I hear them snapping off pistols, and striking a light." I told him that there was no such thing, and advised him to go to sleep. I then left him. At five o'clock in the morning, the chambermaid and porter came to me. I did not go to him then, because I thought that it was too early in the morning. I saw him about six o'clock, walking up and down the passage. I opened my room-door, and he came to me. He took hold of my shirt, and wanted me to come to him. I objected to that. I remonstrated with him on the impropriety of his ringing the bell and disturbing the lodgers. He inquired if he had disturbed the lodgers. I told him that he had. He said, "he was sorry for it, and that he would go on his knees, and humbly beg my pardon." I told him that there was no necessity for him to go on his knees to me; but he went on his knees, nevertheless. I do not recollect what he said on his knees, except that he asked forgiveness for disturbing the lodgers. From what I observed of him, I thought that he was very much irritated. If I had had any business of importance, I would not have intrusted it to him. *I cannot say that he was out of his mind.* He left our house about nine in the morning, with two men. Who they were I cannot say; they came about eight in the morning. I did not see the manner in which he received them.

'*By a Juror.*—I do not recollect what he said when he whispered in my ear, except that he wished me to send a letter to Mr. Forbes. He said that if Mr. Forbes was out of the way, it was to be given to a person of the name of Green, who was his clerk, and wore spectacles. There was nothing particular in the mode of his whispering. It took place in the bar. He said that he had written to Mr. Forbes for

for a reference as to his respectability. There was a wildness in his manner when he entered our coffee-room, which, as he said that he came to put himself under the protection of Mrs. Chatham, made us ask him for a reference.'

The above evidence, and much more to the same effect, but which we do not quote, because it is not equally trustworthy, convinced the town, during the first week of the trial, that Mr. Davies was a lunatic, and that the commission would be granted. As the trial advanced, the belief became weaker; yet, after it was over, and the jury had returned a verdict which restored Mr. Davies to his liberty and property, the opinion still expressed at every dinner party was, that the tea-dealer had been insane, but was now recovered. Before, however, our readers settle finally in this opinion, we beg them to pause. That Mr. Davies had been in a very agitated state of feeling, and in a very bewildered state of mind, there can be no dispute; but did this state constitute madhouse madness?—that is the question. Did it constitute that, the proper remedies for which are quiet, abstraction from business, and the tranquillising care of a kind friend?—or did it constitute that, which renders it necessary to deprive a man of his liberty and the management of his property?—That is the question—not whether Mr. Davies, either in his calm or his agitated moods, is the model of a sound mind: it is plain that he is not so. What impression did his highest state of excitement produce on the above-mentioned competent, trustworthy, and unquestionable witnesses? Dr. Latham felt a strong apprehension of *possible* insanity, but never meditated his confinement. The waiter at Furnival's Inn would not say that he was out of his mind. Mr. Lawrence thought him insane, and that he ought to be confined; but his principal reason was his antipathy to his mother. How such an opinion, grounded on such a reason, could be uttered by such a man as Mr. Lawrence, is, to us, quite unaccountable. Was this great surgeon ever such an abject son as to have tolerated such maternal tyranny as that of Mrs. Bywater? So far from Mr. Davies's anxiety to break his mother's yoke being a proof of insanity, his long submission to it appears to us to be by far the strongest proof of infirmity of mind exhibited throughout the whole of this story. If Mr. Lawrence had been the Philpot-lane tea-dealer, and had been ruled by such a mother, he would soon have made clear quarters, and sent off the old lady to Wales to cook mountain mutton. A drunken man,—one who sees spectres from the habitual use of opium,—an hysterical woman, who, after struggling and beating herself for hours, will often ramble and talk nonsense for as many more,—are all of them, strictly speaking, in unsound states of mind. Yet no one would think of doing more than taking care of them at the time,—no man

in

in his sound senses would give a certificate of their insanity; in these states the mind is much disordered, but not so as to constitute madhouse madness. Mr. Davies was more feminine than masculine, both in his character and in his diseases: his worst state was hysteria. Mr. Sugden, in his speech, represented him as Molière's *Bourgeois Gentilhomme*. The parallel was comical, but not just. The tea-dealer is, was, and ever will be, what the schoolboys call a Molly Coddle. On the same days on which Dr. Latham, Mr. Lawrence, and others, saw him in his most explosive state, his friends, who had known him long, passed hours with him; and though he was ill and terrified, he appeared to them quite himself, and as equal as ever he had been to give directions about his shop affairs. It will hardly be believed, yet it is an unquestionable fact, that the very persons who were confining him as unfit to take care of his business, were themselves consulting him about the conduct of that business. They could not stir without his advice; and the concern was carried on solely by his directions as late as the 22d of August! Once more, we must compare Mr. Davies's manners, discourse, and actions, not, as Dr. Haslam directs us, with Dr. Latham, Mr. Lawrence, and other persons, possessed of sound minds, staid manners, and ordinary moral courage, but with Mr. Edward Davies himself, for twenty-seven years. He was always strongly agitated by slight causes, and displayed this by excessive gesticulation; fond of quoting poetry with a theatrical air; fond of boasting of his success in business; suspicious of insult from his rivals of the tea-trade. With regard to the strongest fact—his going down on his knees, it would prove a great deal in any body else, but what does it amount to in Mr. Davies? The bearded man who was so abjectly timid as to submit to such control as that of Mrs. Bywater was the very man to go down on his knees to any one who could protect him from incarceration as a lunatic. His most excited and bewildered state was produced first by long and incessant altercations with his mother; and this was brought to a crisis, by the threat of confinement in a madhouse. Was a madhouse, therefore, the remedy for such a state? True, he recovered there; but why? The period of doubt, uncertainty, anxiety, is the period of excitement. As soon as a man's fate is settled, he becomes calm: the felon sleeps the night before his execution.

It is important to remark, that even in his most excited state Mr. Davies never required to be confined in a waistcoat. Once it was threatened and attempted by his gentle and judicious physician, Dr. Burrows, when it led to the terrific scene which the Doctor himself described in his evidence, and which we shall spare ourselves the pain of quoting.

Mr. Davies, after a short stay at a villa which he had purchased in the neighbourhood of London, was removed to Dr. Burrows's madhouse, called the Retreat, at Clapham, where he remained till the end of December, when he was liberated by the verdict of a jury. Here his agitation subsided; his incoherence, as it had been called, diminished almost to nothing; and the only remaining grounds for believing him a lunatic, were his antipathy to his mother, and certain suspicions that were considered to be delusions. Here he was visited by several of his friends, and, among others, by Mr. Hobler, his solicitor. To procure his release, Mr. Hobler applied to the Lord Chancellor, who first sent down Dr. Macmichael. The report of this accomplished physician was, on the whole, favourable to Mr. Davies's soundness of mind; but Sir George Tuthill, Dr. Monro, and Dr. Sutherland, being sent down, and being unanimously of opinion that Mr. Davies was of unsound mind, and unfit to be trusted with his liberty and property, the Lord Chancellor, after hearing pleadings on both sides, was obliged to grant a commission. It was impossible for him to do otherwise; yet in the act of doing it, his sagacity saw that there was something wrong in the affair. He said it was a hard case, and did all he could to persuade them to a compromise; but the parties would not consent.

At this stage of the case, an enormous and ruinous error was committed. If, instead of applying to the Chancellor, which led on to the commission, with all its ruinous expenses and its perils —if Mr. Hobler had applied to the commissioners under the new lunacy act, they would have visited Davies; and if they had thought proper, they would have set him at liberty without one farthing of expense! Let all the friends of the *Burrowsed*, who really wish them to regain their liberty, remember this lesson!

3. We come now to the last part of Mr. Davies's case—that in which his excitement, agitation, and incoherence of discourse were gone—that in which his oldest friends affirmed him to be what he had been all his lifetime—but in which, it was still the opinion of the physicians that he was mad and unfit to be released. We subjoin the reasons for this opinion, as explained by the physicians themselves, in their evidence during the trial. If the reader intends to glance it over cursorily, he had better not meddle with it at all: he must read, mark, learn, and inwardly digest it. These are the grounds on which, in the year 1829, the most eminent physicians for diseases of the mind shut up patients in madhouses, among the English, the most thinking and free people in the world; we prophesy that the year 1830 will bring in a better order of things.

'*Sir George Tuthill, examined by Sir* C. WETHERELL.—I attended Mr.

Mr. Davies, by order of the Lord Chancellor, on the 3d of September. Before this, I had no acquaintance with him, or any of the parties under the commission. I have attended here at the whole of the proceedings under this commission. I saw Mr. Davies last on the 8th of this month. I saw him on the 3d, 4th, and 7th of September; and since, I saw him on the 18th of October, and on the 8th of this month. He was, in my opinion, of unsound mind when I first saw him. I was of the same opinion on the 4th and 7th of September, and 18th of October. *The result of my visit on the 8th of December is my opinion that he continues of unsound mind.* He used much gesticulation. His manner was quite theatrical—he used much violence in his manner occasionally. I had no doubt that he was then insane.'

Sir George having mentioned several circumstances which Mr. Davies had related to him with perfect accuracy—the examination proceeds.

'Was there any point in his narrative or matters of fact on which you could judge of the truth or untruth of what he told you, from any other source than the information which you derived from the persons in the Retreat, or from his mother?—Witness. No, there was not.

'Mr. Adolphus.—No, there was not.

'The witness then continued.—*A sane man, if he had been confined as a madman, would express indignation at it; but not in the same manner as Mr. Davies did.* I will not be sure that Mr. Davies did not know of my report to the Lord Chancellor on the 18th of October.

'Mr. Adolphus.—Tell me particularly, Sir George, what occurred at the last interview which you had with him. I ask you, what was there in the course of his conduct that day, which led you to suppose him insane?—Witness. Nothing decidedly, except his mode of speaking of his family.

'Mr. Adolphus.—And that was all?—Witness. The disturbance of the natural affections is a symptom of insanity.

'Mr. Adolphus.—Then do I understand you to say that every man who quarrels with his mother is mad?—Witness. No.

'Mr. Adolphus.—Is it not possible that there may be ill-treatment on the part of the mother as well as insanity on the part of the son? —Witness. Yes.

'Mr. Adolphus.—If Mr. Davies had said that he would have gone home to his mother, would you have advised the doors of the Retreat to be opened to him?—Witness. Certainly not. I should have required much more to have felt myself justified in releasing him.

'Mr. Adolphus.—Indeed! What, after you have told us that there was decidedly nothing, except his mode of speaking against his family, which led you to suppose him insane?

'The witness, in answer to other questions, deposed as follows:—After I had seen his mother in Philpot-lane, I assumed it to be true that he had given important papers to a person of whom he knew nothing; and that was one of the grounds on which I founded my

report of his insanity. If I had been balancing and in doubt, the insanity of his paternal uncles would have turned the scale against him. My additional reasons for thinking him insane were his learning to box, his purchasing a fowl of Belcher for 10*s*., and his saying that he could weep over his little rabbits, which he had not seen for six weeks.

'Mr. Adolphus.—And which, unlike him, were at liberty.

'Witness.—He said nothing of that. The last time I visited him my name was not announced to him before I went into his room. There was no difficulty in getting to him. Mr. Pollard advised me to go to him unannounced, because he thought that Mr. Davies would not see me if I sent my name.

'Re-examined.—I should deem Mr. Davies insane, if I knew nothing of the insanity of his uncles. I should have judged him insane even if I had known nothing of his giving up important papers to Mr. Hobler, of whom he knew nothing.

'By the Commissioners.—*On the 8th of December, I am of opinion that he was unable to govern his affairs.*'

The next evidence is that of

'*Dr. Algernon Frampton.*—I did not know Mr. Davies till the 6th of August, when I was first employed by his friends to visit him. I met that day, at his house, Drs. Cobb, English, and Davis. I was introduced into a large room, where were several persons, with all of whom, save the medical gentlemen, I was unacquainted. An arrangement was made amongst us that we should examine Mr. Davies singly. From what I saw on that occasion, I considered him of unsound mind.' . . . . 'I saw Mr. Davies on the 8th of December. I consider him still of insane mind. The evidence of Sir G. Tuthill, which I have just heard, is, as far as regards what passed between him, and Mr. Davies, and me, perfectly correct. I had also an interview with Mr. Davies on the 7th of December. I inquired into the circumstances of his intended marriage, and into his purchase of Crouch-hill. I asked him whether he had any intentions of marrying when he bought that estate? He said that he had had such intentions: he had thought of two different ladies. I asked their names, but he declined to answer. I asked him if he would return and be reconciled to his mother? *He stated, that from a sense of duty he would avoid any uupleasant or vindictive proceedings towards his mother; but he would not be entirely reconciled to her, so as to live with her. I asked him why? He replied, that she interfered too much in the arrangement of his business, and controlled him more than he liked.* I asked him in what particulars? He replied, that he had thought it necessary, for the proper management of his business, that his men should be thoroughly clean and dressed, and take their stations in the warehouse by nine o'clock in the morning. He stated that she inquired too much into the expenditure of his petty cash—his pocket money. I asked him if he had any other complaints against her: he stated that he had none. Those two complaints were all that he

he stated against his mother. I ENDEAVOURED TO CONVINCE MYSELF *that his mind was as unsound as at Crouch-hill.* He admitted that he had done some things there which he ought not, but he did not state what they were. I do not recollect any thing more of importance, which took place on the 7th of December.

'Cross-examined by Mr. BRODRICK.—On the 7th I alluded to the expense of this proceeding, and endeavoured to persuade him to put an end to it.

'Mr. BRODRICK.—That is, to be considered mad!—Witness. I told him that he was recovering, and that soon this proceeding would be unnecessary. I told the same thing to his mother that evening. I did not point out to his mother that if he did not resist this inquisition he would be found insane. He complained of being kept in custody as an insane man, when he was perfectly sane. Supposing he had been sane, and imprisoned as insane, I should consider his answer about his not taking vindictive proceedings against his mother as the conduct of a sensible and feeling man. If my opinion is asked as a gentleman, I think it was the symptom of a man of delicate mind not to mention the name of the ladies whom he was anxious to marry.

'Mr. BRODRICK.—Well, then, if you think his answer respecting his unwillingness to proceed against his mother, to be the answer of a sensible and feeling man, and his reluctance to disclose the name of a lady whom he was anxious to marry, a symptom of a man of delicate mind, what was there in his conduct on the 7th of December last which led you to consider him insane on that day?—Witness. *I could not consider him sane on the 7th of December, because he would not admit himself to have been insane on the 8th of August. I consider there was a delusion in his mind as to his mother's conduct. If his mother had interfered as he describes, there would be no delusion.* I do not know that his mother has interfered. I am one of the gentlemen who can sign a certificate and send any man, if I please, without seeing him, to a mad-house. I NEVER INQUIRED HOW MR. DAVIES MANAGED HIS BUSINESS ON THE 6TH OF AUGUST, THOUGH I DECLARED THAT HE WAS INCAPABLE OF MANAGING IT. *I considered that the purchase of Crouch-hill for 6000 guineas was in itself an act of insanity. If it were to sell for more, I should still think him insane in having purchased it.* I SHOULD THINK HIS PURCHASE OF IT AN ACT OF INSANITY, CONSIDERING HIS CIRCUMSTANCES.

'Mr. BRODRICK.—What do you know of his circumstances?—Witness. I KNOW NOTHING OF HIS CIRCUMSTANCES (laughter), but I give that as my opinion, because I consider that *a man of business ought not to lock up so much of his capital.* The more extensive his business, the more occasion he has for his capital.

'Mr. BRODRICK.—Supposing that he were to be worth 40,000*l.*, and to be making 4000*l.* a-year, and to wish to have a country-house, for either his health or his amusement, and to give 7000*l.* for it, would you suppose him to be mad in so doing?—Witness. *In his situation,*

as

as a man of business, I should certainly suppose him to be mad. . . . I had the same reasons for considering him mad on the 8th of December as I had on the 7th of August. I had no other reason to suppose him mad on the 8th of December than his repeated denial that he was mad on the 7th of August.'

We must quote, also, the evidence of Dr. Haslam.

'He related to me the impression made on his mind by the conduct of the keepers. I do not know the keepers of that house. They are generally servants, and low people. *It is very possible to give offence to a sensitive mind, by servants saying "Psha, psha—dirt, dirt;" but no one but a madman would be offended with them. I do not know whether his complaints were true or false. Whether it was true or false, his relation of facts was that of a madman. . . Whether he had been offended in the person of himself or friends, or whether he had not, I thought that, as he told this story, he was mad.*"

'Mr. Brodrick.—Now suppose a man had been interfered with in his business by his mother—suppose he had been greatly annoyed by her—suppose she had declared him to be insane—and suppose that, upon this, he were to say, "I will not return to my mother, because I cannot trust myself with her," would you think that his saying so would be a mark of insanity? . . . Would that answer be the answer of a madman?—*Dr. Haslam. Yes; it would.* . . . . I should say, decidedly, that as long as his morbid hostility remains against his mother, it is not safe for him to go at large.'

Writers on insanity seem to catch a disposition to ramble in their discourse from the unhappy patients with whom they have so much intercourse; they are quite incapable of a straight-forward inquiry and statement, but set off right or left, after any painted butterfly which may rise in their view.

The evidence for the commission having been closed, Mr. Brougham rose to address the jury; and he began by remarking, that the task he had to perform was in one respect easy—so easy, that it seemed hardly necessary to call witnesses on the opposite side; but as this great advocate, joining to eloquence prudence, proceeded *de facto* to call witnesses—till the jury, being satisfied, stopped the cause—we shall follow his example, and give the evidence of the only two medical gentlemen examined against the commission. After describing his first interview with Mr. Davies, in which he could find no symptoms to warrant a certificate of insanity, and which left upon his mind an impression that the man was fully competent to manage his own affairs, Dr. Macmichael thus proceeds:—

'His health was improved, and he spoke more calmly. I had no reason to believe that he was restraining himself. He answered spontaneously and readily to all questions but one. I heard that a new delusion had been discovered. I said, "Now I am going to put a question to you, which will, perhaps, annoy you, but I beg you will answer

answer candidly." . . . . I thought this explanation very reasonable. I have no other interest in this matter than the interest which every respectable man must have in speaking the truth. I was one of the commissioners appointed by parliament to inquire into madness. I am not a commissioner now, but I was for two years. I have, therefore, had many opportunities of seeing the symptoms of the disease. . . . . I came to the conclusion that he was under no delusion, and that he was capable of managing his own affairs. He told me that he carried fire-arms because the road was dangerous, and he thought he might be attacked.

'*Sir* C. WETHERELL.—Is it not an evidence of unsoundness of mind, if a man, who is getting between 3000*l.* and 4000*l.* a year by his business, goes to learn pugilism?

'*Dr. Macmichael.*—Upon my word, I think not. It may be whimsical, but it is not unsoundness of mind. Many men with greater incomes learn to box.

'*Sir* C. WETHERELL.—Oh! whimsical? So you think that a hypochondriac, who is going into a consumption, is only whimsical if he goes to learn boxing?

'*Dr. Macmichael.*—Why, perhaps even whimsical was too strong a word. His hypochondriasis might have proceeded from want of exercise. Indeed, I am inclined to think it did, for I have heard here that his physician recommended him to buy a horse. Boxing is exercise. Then, as to the consumption, boxing would have done him good in that respect too, for the exercise would have opened his chest.

'*Sir* C. WETHERELL.—Then you think it was quite rational for Mr. Davies to learn pugilism, in order to box his brother tea-brokers?

'*Dr. Macmichael.*—I have said nothing about the object; but if he was insulted by tea-brokers, and meant to take the redress into his own hands, I think that he could do nothing more rational than taking lessons in boxing.

'*Sir* C. WETHERELL.—And was carrying a pistol only whimsical, or was that rational too?

'*Dr. Macmichael.*—If he carried it to defend himself against a robber, it was certainly rational, and not whimsical. It was unnecessary to carry a pistol in London, because the police would protect him. I heard nothing about the lady in Kensington-gardens till these proceedings were instituted. I thought he overrated his own consequence. If a person should say that he had had an interview with the Deity, I should say it was the delusion of a madman. Dreams, however strange, are no symptoms of madness. The judgment has no control over the imagination in sleep. To act upon an absurd dream would be a delusion, but many sane persons have believed in dreams. Mr. Davies explained to me that he thought his prosperity arose from Providence; but he said he did not mean immediate or special interference, but that general providence which regulates human affairs. He gave me satisfactory answers about his improving the revenue by his biddings.

dings. He said that there was a certain kind of tea that was now almost given away; that if he bid higher than others, the duty would be increased; and that thus he should put money into the pocket of Government. He proved to me that he did not sacrifice his property by this course, because he showed me how large a sum of money he had realised in a very short time. Some persons have made sacrifices for the benefit of the revenue without being thought mad: Lord Camden, for instance.

'Sir C. WETHERELL went through all the imputed delusions that have been mentioned in the course of the proceeding, and asked, "Did you try him on this?" The Doctor stated, that on the larger number he had not; because he had never heard of them until they were brought out in the course of these proceedings.

'Re-examined by Mr. BRODRICK.—It is my decided opinion that Mr. Davies is sane now.

'By Mr. PHILLIMORE.—I have never been able to detect any delusion on his mind. It is my impression that he was sound on the first visit I paid him; but I did not choose to hazard an opinion after one visit only. He has been continually improving. I saw him for a few minutes here, the day before yesterday. I was with him ten minutes. I saw nothing to lead me to alter my opinion. I should say that I have had opportunities enough to judge. I should think that he is of sound mind, and capable of managing his own concerns. If a person has been insane, and recovers, it is thought a test of convalescence if he admits that he has been insane; but if he has not been insane, he would be mad to confess it. I understand now what was called the delusion of the throat. I think it very natural.

'Mr. BRODRICK.—Had you understood from any of Mr. Davies's friends that there had been differences between him and his mother?

'*Dr. Macmichael.*—Yes; and he told me that he would not return if his mother continued at Philpot-lane; for that she interfered with his business, and controlled him in every respect.'*

The next witness was

* When the verdict of the Jury restored Mr. Davies to his liberty, he appointed four of his friends to take upon themselves the temporary management of his affairs, stipulating that the removal of his mother from his shop in Philpot-lane should be the first act they performed. She, accordingly, left his house, and he, for some time, resumed the uncontrolled direction of his business; but, after the lapse of a few weeks, finding himself a great object of curiosity, from the notoriety which his case had unfortunately obtained for him, he became desirous of withdrawing from the gaze of the town, and resolved to dispose of his shop. Of this his mother has become the purchaser, and he has made an advantageous bargain with her. He is now retired from trade, and is, for aught we know, at this moment, 'Squire Davies, of Trefeen, Montgomeryshire—an estate which his mother has given up to him, as part of the purchase of his shop and trade. The various stories that have been so industriously circulated in the newspapers of his relapse into what is still perversely called *his former state of insanity*, are idle and unfounded; though it was quite ludicrous to observe the avidity with which the news was swallowed by all those who had committed themselves on the subject, and to whose previously expressed opinions such a circumstance would have been a sort of corroboration.

'*Dr.*

'*Dr. John Mackinnon*, examined by Mr. BRODRICK.—I am connected by marriage with the family of Mr. Davies. I have known Mr. Davies some years. He was a very nervous, irritable person, very apt to take offence on very slight occasions. He very often attempted to joke: he made quotations very often. I always thought him whimsical. I thought him perfectly harmless and honourable. I found him attentive to his business, but I am not a judge of his skill in the business. As far as I know, he was capable of managing his pecuniary affairs. I saw Mr. Davies seven times at the "Retreat." I was in town in August. Mrs. Bywater knew I was. I was not requested by her to go to Crouch-hill. On the 19th September, I saw him at the "Retreat" for the first time. I was in his company about two hours. The second time about an hour and a half. I was never with him for a less time than an hour and a half. The last time I saw him at the "Retreat" was last Saturday fortnight. I have seen him frequently in this house. I passed two hours with him here on Friday last. There was always an imperfection in his utterance, amounting not quite to a stutter; but he would open his mouth and look me in the face for two or three seconds before he threw out his words. This was his habit always, long before insanity was imputed to him. His manner is the same now. At the "Retreat" I had many conversations with him about his confinement. He expressed indignation at it. Supposing he was unjustly confined, he spoke like a rational man on this subject. I talked to him on family matters,—the prosperity of some parts of our family; the deaths of others; and so forth. On these occasions he expressed himself perfectly coherently. He took a very long time on every subject; but, at length, he came to a rational conclusion. I cannot say that I observed much difference between his conduct and conversation on these occasions, and what he had evinced previously. I spoke to him about the imputed delusions. On the 19th of September I had a particular conversation with him. It lasted only a few minutes, and I should like to state it. On my arrival at the "Retreat," I inquired for Mr. Pollard: he showed me into the room. Mr. Davies, the moment he saw me, said—"Thank God, you are come at last, why did you not come sooner?" I said, I was not requested. He then said—"Have you seen my mother?" I answered, "Yes. I saw her last night." Then he held up his hands, and said—"She is a base villain." I said, I never thought so, and I don't believe it now. Then he laid hold of me very firmly by the arm, and asked me if I could stay with him for three hours. I answered, not that day, but that I could give him three hours, or twenty hours, if necessary. I then said—"What is the meaning of this unnatural hostility to your mother?" He said—"Can you, finding me in this house, ask such a question?" I said, "You must have played the fool, Edward." Then he said, that unless I would stay two hours, it would be of no use, as he had so much to communicate to me. I asked him again the cause of his hostility to his mother.

mother. I said, I was surprised at any thing of the sort, as I heard they had always agreed very well. He said they had, until twelve months before he was deprived of his liberty. I asked what had happened. He said she assumed authority which he was not willing to concede; that she did not behave to his satisfaction; that she made a slave of herself in the shop; that she sold tea in smaller quantities than he thought consistent with the respectability of his business; that she associated with persons he did not think particularly respectable. He mentioned names, but I do not remember one of them. He said she was turning off his best clerks, without his knowledge or authority. He said that she wished him to give her power to draw money from the bankers during his absence. He said, that for several months past, she was urging him to make her a partner in the concern—all which he said he refused to comply with. Here the matter dropped. I did not go further on that occasion. On that day, as I found him so collected, I went into other matters. We conversed about our relations, and about a late visit I had paid to the continent. His questions and answers were perfectly rational. As soon as his agitation, which was a common occurrence, had subsided, his manner was the same as usual. I made a report to the Lord Chancellor. I had seen him six times before I made that report. I conversed with him about the imputed delusions, and what he said was, in my opinion, satisfactory. My opinion was, that he was of sound mind, and capable of managing his affairs. This opinion has continually been confirmed. From the first interview to the last I thought him capable of managing himself and his affairs. I am decidedly of that opinion now. In forming a correct judgment of Mr. Davies's mind, I think a man would be considerably assisted by knowing the previous manners and habits of Mr. Davies. Mr. Davies refused to see me one day at Clapham. I did not say, "I do not care whether he sees me or not,—he is a perfect madman." I swear I never said this to any one. My practice in cases of insanity has not been extensive. My practice as a physician, generally, has been extensive. I have seen more cases of alleged madness than of real madness. I may see forty or fifty cases of insanity in a year.

'Mr. WRIGHT.—Have you read the German authors on insanity?

'*Dr. Mackinnon.*—I cannot say that I am well acquainted with their works; but I have been in Germany, and conversed with many medical men there on the subject.

'Mr. WRIGHT.—Which is the best work in German on the subject?

'Mr. ADOLPHUS.—What is that to you, gentlemen of the jury?—Are you sitting here to try the merits of German writers?

'Sir C. WETHERELL.—Now I beg to say, that this line of examination is precisely that which was pursued in the House of Lords, when it turned out that there was a German author who said that a woman might go two years with child.

'Mr. WRIGHT.—Well, then, which is the best book in English on insanity?

'*Dr.*

'*Dr. Mackinnon.*—That, sir, is entirely a matter of opinion.

'Mr. WRIGHT.—Have you read Dr. Haslam's work on insanity?

'*Dr. Mackinnon.*—Yes; I have.

'Mr. WRIGHT.—What is your opinion of that work?

'*Dr. Mackinnon.*—I would rather not give an opinion upon the works of living authors.

'Mr. WRIGHT.—I press for an answer.

'Mr. ADOLPHUS.—Really, gentlemen, this is the first time I ever heard a gentleman asked to criticise upon oath.

'The Commissioners ruled that the witness was not bound to answer such questions.

'*Dr. Mackinnon*, re-examined by Mr. BRODRICK.—I was on good terms with Mrs. Bywater when I first saw Mr. Davies. I told her he was of sound mind. I have no difference with Mrs. Bywater now. I have no feeling but a very painful one in coming here. I refused to come as long as I could. I would willingly not have appeared in such a case between the mother and the son.

'By the COURT.—I found no delusion on his mind. I do not consider his hostility to his mother as a delusion; for, from his account, there was good reason for it. He told me that he found his mother was adverse to his marrying. He told me that he had been asked many questions on this subject, which he thought it not delicate to answer. I saw nothing of unnatural excitement about him.

'By a Juror.—I called on Mrs. Bywater when I returned from the continent. *She told me that Mr. Davies was at Crouch Hill; but it has appeared in evidence that he was at Dr. Burrows's at that time.* I cannot state from my own knowledge that Mrs. Bywater did interfere with her son, as he told me she had. When I told Mrs. Bywater that her son was sane, she asked me to go again. When I came from Clapham I always went to Philpot-lane, and told Mrs. Bywater that her son was not insane. On one occasion, I told her that a jury of Englishmen would never find him of unsound mind. I have seen Mr. Davies, on an average, more than once a month for the last six years. I never had a quarrel with any of the family. The reason Mr. Davies refused to see me on the one occasion I have mentioned, was, as he told me, that he learned I meant to take him away to Philpot-lane. I have received many letters from Mr. Davies. I have heard some of Mr. Davies's letters read here. The letters I received from him were always written in the same style, except when on matters of business. They were full of quotations; they abounded in puns; and there were frequently parts of them which I could not understand without the assistance of Mr. Davies. He wrote such letters long before madness was imputed to him. I have not been in the habit of keeping such letters. The only letter I have by me from Mr. Davies is that which he wrote to me since he has been in confinement. It is not written in the style of the other letters I have mentioned; it is more a letter of business. [Here, says the report, a letter of Mr. Davies to Dr. Mackinnon, requesting that the Doctor would visit him at the "Retreat,"

treat," was put in and read. It was rational enough, and without jokes or quotations.]'

Such is the evidence which satisfied the jury that our tea-dealer ought to be restored to his freedom. In reflecting on the medical evidence in favour of the opposite view of his case, the overwhelming feeling, we must confess, is one of incredulity. We could not have believed, if we had not read it with our own eyes, and in their own words, that it is the habitual, deliberate, and unanimous opinion of the most eminent physicians for the insane, without one exception, that people ought to be shut up in madhouses, no matter whether they have been mischievous to themselves or others, provided such singularities as the following are discovered in their minds and conduct. Let the list be printed on a bit of paper and cried about the streets by the ballad-singers; let it be framed and hung up in every pot-house in the land. In England people are shut up in madhouses if they learn to box,—go to the gymnasium to fence,—employ the junior solicitor when they cannot get the senior,—are over vain of a smattering of literature,—spout poetry with a theatrical air,—are long-winded, prosy, and muddle-headed,—read medical books, and are fanciful about their complaints,—refuse, when they are twenty-seven years of age, and worth many thousands of pounds, to live with their mothers, because their mothers won't allow them pocket-money, or a wife, or liberty to go to the play without asking leave,—who, having gained riches in early manhood, get uneasy of inhaling, summer and winter, the atmosphere of a city lane, and actually buy a villa near town for their occasional refreshment,—who will not confess that they have been mad simply because they do not believe it,—if Englishmen be guilty of such horrors as these, they are pronounced insane,—they are shut up in madhouses,—and the management of their business is taken out of their hands, although, notwithstanding all their singularities, they have conducted it, for a long term of years, with consummate skill and extraordinary success!

But how to explain that a set of regularly bred physicians, and among them the whole group most eminent for diseases of the mind, men of good educations, good moral characters, and no evil intentions whatever,—with understandings at least equal to the ordinary run of mankind, with large experience on the subject, and all possible opportunities of coming to right conclusions concerning it—to explain how such men not only have given, but are constantly giving such opinions as the above! We think that we have discovered the secret sophism by which they are misguided.

The legal instrument, on the authority of which a supposed lunatic is seized and confined, is a certificate signed by a medical man,

man, and containing two propositions,—one, that he is of unsound mind; the other, that he is unfit to be trusted with his liberty. Now where is there any thing clearer in this world than this—that of these two propositions, the second is the only one of the smallest practical importance,—the only one with which society, and the laws, and the friends, (when they are what they ought to be,) have anything to do? One would have supposed, therefore, that to this great and paramount question the chief inquiries would be directed, and that a man's fitness to be trusted with his liberty and property would be decided by the manner in which he had used both when he enjoyed them. Our doctors of the mind, however, proceed in a totally different way,—they make no inquiry whatever touching the manner in which the man actually used his liberty and property, but they busy themselves with what they call 'examining his mind;' and if they find any opinion which they believe to be a delusion,—any feeling which they consider disproportionate to its cause,—any singularity of mood or manner, which they believe to be morbid, they pronounce the patient to be of *unsound mind*—and then *infer, as a necessary consequence*, that he ought to be confined. Thus, the great, the only, practical question—whether the patient is or is not fit to be trusted with his liberty and property—instead of being made the subject of direct and primary investigation, is left to be determined obliquely, from what drops out in the course of a wholly different inquiry!

This inference is made, not only without any direct inquiry into its truth, but often in the teeth of fact and experience. What is still more strange,—it is an arbitrary inference from an opinion of unsoundness which the human mind is unequal to form—especially the human mind as it is found in the heads of the ordinary run of medical men. Of course, we are speaking of those cases in which the charge of unsoundness is founded, not on actual mischievousness or violence, but on certain singularities of notion, feeling, and manner. Now only think of setting a country surgeon, or even a town apothecary, or even a London physician, eminent for diseases of the mind, to discuss the following questions:—Are there no such things as healthy singularities? Who is to distinguish between these, and those morbid singularities which constitute the minor degrees of insanity? Madmen are suspicious of conspiracies without any reasonable cause; but are all suspicions of conspiracies groundless, and therefore insane? Is the world so pure and honest, that people never conspire against the prosperity of individuals; and may not the suspicion in the present instance be reasonable and just? Madmen take up an antipathy to those whom they formerly loved; but are the acquaintanceships and friendships even of sane men like the laws of the Medes and Persians?

Persians? Are there no natural and reasonable changes from kindly feelings to animosity? Madmen's feelings are said to be disproportionate to the cause; but the feelings of the healthiest minds vary incalculably according to the sensibility of the individual; and where is the mortal man who could be trusted to draw the line between that excess which is, and that which is not, decisive of insanity? But, supposing it to be decided that the singularities are morbid,—that the mind, strictly speaking, is not sound,—who can tell whether it is so unsound as to render the patient mischievous to others or to himself? Are we to be guided on this question by the *inferences* of a couple of doctors—or by a careful examination of the man's present conduct, as compared with, and illustrated by, his demeanour and conduct through his previous life?

The first object of reform in the laws of lunacy ought to be the certificate by which the patient is confined. The question of unsoundness had better not form a part of it: it will only bewilder the writer's understanding with a task of which he is incapable, and unfit him to perform the practical duty of which he is capable. Let him be called upon to say simply, whether the patient has been, and continues to be, mischievous to others and to himself, so as to require confinement and the care of keepers; and this must be ascertained by a direct inquiry into his present and past conduct. And this being the case, we cannot but go a step further, and express our decided conviction that any man of good sense and integrity would do better than a medical person, because he would be less likely to be biassed by hypothetical whims: that the clergyman—the magistrate—any gentleman of sense and education in the neighbourhood—would do better than a doctor, with his theories and technicalities.

It ought to be made punishable, by a heavy fine and imprisonment, to deprive a man of his liberty for any cause excepting mischievousness to others and to himself, and the parties who commit such outrages ought to be prosecuted at the public expense. Out of five cases of supposed lunacy, about which a medical friend of ours has been consulted by an eminent law officer, within the last two years, three of the individuals—more than half the number—had been confined, and would have been continued to be confined, for the following reasons:—one, because his antipathy to his friends, who had shut him up, as he believed, unnecessarily, was disproportioned to the cause!—the second, because, in addition to a general singularity of appearance, and manners, and mode of expressing himself, he believed his wife's last child was not his own; this was set down as a delusion, though all the neighbourhood believed the same, and the history

history of his marriage, his decrepit appearance, the more youthful wife, and the vigorous lover, rendered it highly probable;—the third was Mr. Edward Davies. How many harmless eccentrics are shut up at this moment throughout the kingdom for reasons equally childish!

Another object of reform, which we strongly recommend to our legislators, is the construction of madhouses. Every room in which lunatics are confined ought to have adjoining it a closet, from which the individuals may be seen by their friends without being aware of it. At present, friends are excluded for weeks at a time, on the plea that the patients are irritable, and would be injured by an interview; and the helpless sufferer is left unprotected by any human eye but that of menials. A closet of inspection would render a crowd of abominations impossible: it was done in the Inquisition for a bad purpose; surely it can be done in the construction of madhouses for a good one?

We have said that the secret sophism, which has so long misguided medical men on the subject, is making that a matter of inference which ought to be a matter of direct inquiry. This is an old error, of which the human mind seems very fond, and to which it clings tenaciously, although its absurdity has been pointed out again and again. The common phrase, in the mouth of half-educated people, 'it stands to reason,' is an expression and proof how extensively this error still prevails. The reasoning of our mad doctors is the same error systematically applied to a subject of vast importance. Only three years ago the anti-contagionists committed the same blunder; and for a long time nearly persuaded the government that the plague was not contagious, and that the Quarantine Laws ought to be abolished, as a needless incumbrance on trade.

From the tenor of the preceding remarks, it will readily be believed that it was with heartfelt gratification we read the circular which was addressed, a few weeks ago, by order of the Lord Chancellor, to the keepers of the different lunatic institutions in the kingdom. The document will best speak for itself; it calls for the following returns:

'1st. Of the number of persons considered to be labouring under insanity or imbecility of mind, admitted into each establishment, for the last ten years; distinguishing such as are paupers; specifying the number admitted in each year; and separating them into the two classes denominated by medical practitioners "curable and incurable," according to the class each person was considered to belong to, at the period of admission into the establishment.'

'2. Of the number of the persons so admitted, who have quitted the establishment, as being sufficiently relieved to be restored to their liberty,

liberty, separated into the two classes before mentioned; and setting forth, as in the first return, and with reference thereto, such as are paupers; and the duration of the complaint.'

The object of this important paper is stated to be, to enable the Lord Chancellor to procure a general estimate of the average number of persons afflicted with insanity who obtain relief, under the present system of medical practice.

This opportune interference of the highest legal authority in the country, on behalf of the unfortunate individuals whose cause we have been endeavouring to advocate, can hardly fail to be productive of some amelioration in their condition. What the result of the inquiry may be, or what steps it may occur to the humane and enlightened mind of this eminent person to take in consequence thereof, we cannot anticipate. That something practical is intended, we conclude, from the nature of the questions themselves; and we hope we are not too sanguine in predicting, that such an investigation into this ultimate object of all medical treatment, viz. its *success*, will suggest some solid and lasting improvement. It is well known, that the persons who are under the protection of the Court of Chancery belong, generally, to the richer classes of society; but the benevolent views of Lord Lyndhurst comprehend, in this inquiry, the lowest pauper who may happen to suffer under the most melancholy of human afflictions; and if any real improvement be suggested and adopted as to the treatment of the Chancery lunatics, the benefit must necessarily be extended very speedily to the care and management of every individual, of whatever rank or condition, who labours under mental disease. With respect to the cases of lunacy, brought under the consideration of the Chancellor, it must, we fear, be obvious to every one, that the parties connected with the *property* of the lunatic are apt to pay greater regard to their own interests, than to the health and welfare of the afflicted person. In too many cases, whatever reluctance the relatives may feel, in the first instance, to affix the stamp of insanity upon him, no sooner is that done, than each begins to look to himself, and, as if the unfortunate individual were actually dead, the most violent contentions arise about the management of his property. Nor, in truth, is the matter mended where no interested relatives exist: the poor maniac is intrusted to the care of a keeper, who makes a livelihood out of his charge—and, though it is the interest of the attendant to prolong the life of his patient, and the common feelings of decency and humanity may, in most cases, secure tolerable cleanliness and diet, it is hardly to be expected that the actual restoration of the sanity of the prisoner should form the subject of zealous anxiety.

His

His recovery is too apt to be contemplated as an untoward event —the committee to think of their allowances—the keeper of his profits; and, in short, without quite adopting the maxim of the old satirist, that 'if *any* man could rise from his grave after the lapse of a year or two, he would find himself by no means welcome,' it may be pretty safely laid down, that, in the vast majority of cases, the individual who at length emerges from a *Retreat*, need not calculate on being received with much rapture, by those who have either been enjoying the management of his estates, or pocketing an annuity by the keeping of his person.

To conclude.—Whoever shall be fortunate enough to show, by an experiment sufficiently extensive, that lunatics may be governed so as to insure the following objects—1st, security from injuring others or themselves, with proper attention to food, cleanliness, and physical comforts; 2nd, a full trial of a proper curative treatment, both medical and moral, so as to give them all the chance, which the state of medicine affords, of being restored to reason and liberty; and 3dly, security from continuing to be confined after they have recovered, for the sake of a mere medical theory about unsoundness,—that fortunate individual, be he who he may, will raise a monument to his fame, far more durable than one of brass or marble: its tablet the heart of man, and the letters engraven by the tears of gratitude.

ART. IV.—1. *A Practical Treatise on Rail-Roads and Interior Communications in General.* By Nicholas Wood, Colliery Viewer. London. 1825.

2. *Account of the Competition of Locomotive Steam-Carriages on the Liverpool and Manchester Railway, in the London Mechanics' Magazine for October and December,* 1829; *also in the Liverpool Mercury and Courier.*

THE recent trial of locomotive engines on the Liverpool and Manchester Railway, in its results so far surpassing the conceptions of the engineers who were engaged in those experiments, has justly excited much attention, not only in this country but throughout Europe. One of the engines, it appears, travelled repeatedly with a heavy load of passengers at the rate of twenty and even thirty miles an hour; and its motion is described by eye-witnesses as more resembling, in ease and swiftness, the flight of a winged animal, than the progress of any of those cumbrous vehicles which usually traverse the earth's surface. An event so extraordinary, and involving such important consequences to the country, is well calculated to excite the surprise and curiosity of the public; and, accordingly,

accordingly, every one asks with eagerness, By what means has it been accomplished, what is the nature of the moving power, and the process by which it has been applied with such success? Can these carriages move on common roads or only on railways? Can they be readily adopted in other parts of the country, or are there are any material obstacles to prevent them from coming into general use? and, if not, how long will it be ere we can expect to see this system, of such new and unparalleled efficacy, established on our great thoroughfares, and superseding the ordinary means of intercourse. In the following article, in which we propose treating this subject somewhat at large, we shall endeavour to give our readers some solution of those important enquiries.

The discovery of the steam-engine constitutes, unquestionably, one of the most splendid triumphs of modern science; whether we consider the magnitude of the power itself, so far beyond any thing which, prior to this invention, had ever been contrived, or even conceived, of mechanical agency; the inventive talent by which the principle was originally brought to light; or the amazing ingenuity and skill which has given it practical effect in its infinitely diversified application to arts, manufactures, and the general business of life. It is impossible to contemplate, without a feeling of exultation, this wonder of modern art; this prodigiously powerful, yet singularly versatile agent, which sets in motion machinery of the most stupendous energy; which raises the most enormous masses of water from the lowest depths of our mines; and moulds into form, as if by magical facility, the hardest and most intractable materials, while it can be, at the same time, regulated and adapted to operations of the extremest nicety and minuteness. We see the same agency setting in motion the loom, and propelling the vessel on the ocean—the sea and the land thus teeming with the fruits of this marvellous invention, and bearing testimony to its usefulness and power.

Of all the uses to which the power of steam has ever been applied, that of locomotion is the most important; promoting, as it does, that facility of intercourse between the most distant points of a country, which, of all improvements, most essentially conduces to its prosperity; which, binding its different parts more firmly together, increases its strength, and gives it greater consistency and unity of action; and which, if this were the proper place to enlarge on such a subject, it would be easy to shew, must even extend its beneficial influence to many of the great moral interests of an intelligent and highly-refined community. It is in this view that we consider the application of the steam-engine to this great object, as replete with such important consequences. It is now nearly twenty years since the agency of steam

steam was applied to navigation, and every one is acquainted with the new and wonderful facilities which this discovery has opened up for the trade and intercourse of the country, and with the remarkable changes which it has actually effected, wherever any communication by sea, river, or canal, has permitted it to extend its influence. From the earliest times, mankind have been baffled by the uncertain elements of the winds and waves: by these a barrier was raised to the progress of navigation, which the boasted improvements of modern times were never able to overcome; and the proverbial uncertainty of a sea-voyage continued accordingly to be ranked among the irremediable evils of life. Hence it was, that when a voyage of a few miles might be protracted to several days, those great rivers and inlets of the sea which penetrate far into the land, instead of being of unrivalled utility to commerce, formed rather a drawback, in many cases, on our internal communications; while, with respect to rivers, no attempt could be made, with the least advantage, to navigate them against the stream. We possessed no power which could accomplish this object. The use of a river, as an instrument of internal intercourse, was, in consequence, much limited; and no craft were ever found to ply on any of the great streams, because they could only make their way in one direction. They were useless except for this single purpose; and, in all countries, the water communications were, in a manner, mutilated and imperfect. As an example of the difficulties of internal navigation, it may be mentioned that, on the great river Mississippi, which flows at the rate of five or six miles an hour, it was the practice of a certain class of boatmen, who brought down the produce of the interior to New Orleans, to break up their boats, sell the timber, and afterwards return home slowly by land; and a voyage up the river from New Orleans to Pittsburgh, a distance of about two thousand miles, could hardly be accomplished, with the most laborious efforts, within a period of four months. But the uncertain and limited influence, both of the wind and tide, is now superseded by a new agent, which, in power far surpassing the raging torrent, is yet perfectly manageable, and acts with equal efficacy in any direction. The practical effects of this great discovery have been truly astonishing. Coasting voyages, which were formerly tedious and uncertain, can now be performed with all the expedition of land journies. The most rapid rivers, on which only a solitary boat was here and there placed for the convenience of crossing, have now become the active scenes of intercourse and trade; they are covered with large vessels, crowded with passengers on pleasure or on business, which, by the powerful aid of steam, resist the current, and force their way with ease through the opposing waters. Steam-

boats of every description, and on the most improved models, ply on all the great rivers of the United States; the voyage from New Orleans to Pittsburgh, which formerly occupied four months, is accomplished with ease in fifteen or twenty days, and at the rate of not less than five miles an hour. Steam-boats have begun to ply on the Ganges, and in other parts of the East. On the rivers, lakes, inlets, as well as the narrow seas of Europe, they are every where to be seen; and in the interior navigation of our own country, they have already superseded the use of all other vessels. The intercourse of Great Britain with Ireland, as well as with France, where the two countries are contiguous, is also chiefly carried on by these conveyances; on the western shores of Scotland, which are intersected through their whole extent by a series of deep inlets, or lochs, as they are termed, the advantages of steam navigation have been wonderfully exemplified, and a complete change has, in consequence, been effected in the aspect of the country, and in the habits and intercourse of the people.

Such are the advantages which, in the course of a very few years, have been actually realised by the application of steam to the purposes of navigation; and the important question remains to be considered, how far the same power may be employed in impelling carriages by land. The transition from the one element to the other appears, at first view, to be simple and easy; the same mechanical process which turns the paddle-wheels of a vessel in the water, would seem quite adequate to impart a similar motion to the wheels of a carriage on land. Accordingly, this has long been a favourite project with mechanicians; and if we consider with attention the recent and rapid progress of mechanical science in all its departments, as well as the enterprise and restless activity which appear to be generated by the advance of improvement, and the accumulation of capital, together with that growing intelligence and practical skill which distinguish our own enlightened community, and form so remarkable a feature in the present age, we cannot doubt that, sooner or later, this great improvement will be carried into practical effect in this country, and create a yet more astonishing revolution in trade and intercourse, even than steam-navigation itself, by the vast facilities which it is calculated to introduce into our internal communications, of all others, on many accounts, the most important. So early as the year 1769, Mr. Watt, in his original patent for his improvements on the steam-engine, expressly mentions the practicability of applying it to domestic improvement; a suggestion made to him by Professor Robinson, though it does not appear that Watt gave motion to a carriage. It is remarkable also, that the unfortunate Symington, who has such claims to the original invention of the steam-boat, had previously

viously contrived a similar application for the impelling of carriages; and actually exhibited, in the year 1787, in the house of Mr. Gilbert Meason, in Edinburgh, the first model of a steam-carriage that was perhaps ever seen. Since that period, which is upwards of forty years ago, the plan has been often suggested by succeeding speculators, and has been actually attempted by projectors at different times, and in various ways, but always without any decisive result. Hence we may conclude, that these repeated failures have not been occasioned so much by the want of practical skill, as by some radical difficulty which had not been sufficiently adverted to.

The great obstacle to the introduction of carriages propelled by steam, arises from the necessary weight of the engines, and the resistance to their progress presented by the inequalities and other obstructions on the roads. It is not here as in navigation, where the most enormous weights are buoyed up by the liquid element, without increasing, in the same degree, the resistance to the vessel. Every addition to the load of a land-carriage creates an additional resistance arising from inertia, friction, and other such impediments, exactly in proportion to its weight. The inequalities, also, which occur even on our best roads, present a still more serious resistance to the progress of such machines, because at every new ascent we have, in addition to the other sources of resistance, to drag the whole weight of the carriage and its load upwards—an effort which requires additional power amounting often to double or triple what would be necessary on a level. Even though the line of the road could be reduced to a perfect level, the softness of the materials into which the wheel sinks, and the irregularity and roughness from which it cannot be altogether freed, present a series of little eminences which, however insignificant to the eye, still constitute real elevations and depressions, on which the carriage, as it advances, is continually rising and falling; and it is the incessant lifting of the whole mass over these protuberances which chiefly constitutes that drag we experience, even on the smoothest of our roads. To meet all those difficulties, it is necessary to construct engines of great power; and, in this case, we increase the weight and size of the apparatus, and, consequently, the amount of resistance in the same proportion. We have thus two opposite evils to contend with: 1st, If we endeavour to bring our apparatus within the dimensions of ordinary carriages, suited to the state of the roads, we unduly diminish the impelling power of the machine, so that it has not the preponderating energy necessary to carry it through all the obstacles which lie in its way; and this seems to be the capital error into which all our recent projectors of steam-carriages have fallen, as far, at least, as we can judge from the imperfect accounts which have

have appeared of their plans in the newspapers of the day. 2dly, If we give our machine such ample powers as it would require, it then becomes inconvenient, and by far too unwieldy for any practical purpose, and in no respect superior, if equal, in point of economy or convenience, to our ordinary, and now greatly improved modes of conveyance. For these reasons, it seems vain to hope for the introduction of steam-carriages on the common roads, unless some new and very superior mode of generating or applying steam be discovered, by which the weight and magnitude of the carriage could be reduced within moderate limits;* or unless some very marked improvement could be made in the state of our roads, which is scarcely to be looked for, their surface, by the recent improvements, having already attained the utmost degree of smoothness of which the rough materials that compose them would seem to be susceptible.

Such being the state and capabilities of the ordinary roads, we must have recourse, in order to give effect to steam-carriages, to some new and improved species of road; and, for this purpose, no contrivance seems so well adapted as the railway which has already made such progress in this country. The great object of a railway is to remove all the obstructions which occur on roads constructed of the usual materials; and this it does by substituting for the soft and unequal surface of the common road a smooth and hard surface of wood or metal laid in two narrow tracks, along which the wheels of the carriages roll with a facility and velocity, as far exceeding the effect of the most perfect modern road, as the latter exceeds what was known on the roads of former times. These tracks were formerly made of wood, but they are now universally of iron, laid in lengths of from four to sixteen feet, united firmly together by joints at their extremities, and resting at every yard on a heavy block of stone firmly bedded into the ground. Each of these lengths is termed a rail, and by far the most approved form and construction of these may be seen in the wrought-iron patent rails of the Bedlington Iron Company. The two tracks together form what is termed a single line of railway. Where the traffic is considerable, another line is laid down, running parallel with the first, and at a distance from it of four or five feet, and this is termed a double line; the object being, of course, to allow carriages, moving in opposite directions, to pass each other without interfering. In the same manner, a third or fourth or more lines may be laid down, if necessary; and, between them, there are communications, at intervals,

* How far the recent improvement of Messrs. Braithwaite and Erickson may serve to accomplish this object, must be decided by further experience; their contrivance certainly bids fairer for it than any other plan hitherto proposed.

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by which any carriage overtaking another in the same track may turn aside to one of the adjacent lines, and pass it, without stopping either. Although the system of tracks, therefore, may appear, at first sight, rather too artificial to be introduced with advantage as the medium of an extended trade, all the inconveniences which we could anticipate from the meeting and passing of carriages are, in this manner, easily avoided; and it is surprising, indeed, even in a single line of railway, how little they are really felt in practice, and how completely the advantages arising from the ease of draught on the railway appear to triumph over this and all the other obstacles which have been suggested to their introduction. Simple as the idea of a railway appears to be, its execution is by no means easy; it is attended with great expense, and requires, moreover, a highly improved state of the sciences and arts to give full effect to the principle. It is only, therefore, in a country like ours, with an overflowing capital, and abounding in intelligence and practical skill, that such a scheme can be thought of, however well the nature and elementary principles of the design may be understood and valued, as they have been, indeed, among men of science for a long time back.

Accordingly, it is not until the middle of the seventeenth century that we find any traces of the art of laying railways. The contrivance appears then to have been introduced, in a very rude way, among the collieries in the neighbourhood of Newcastle, where the immense traffic in conveying coals from the pits to the places of shipment on the Tyne, rendered its adoption of peculiar utility and value. Since that time, it has been constantly in use,—receiving, from time to time, continual improvements, with the progress of the different arts on which it depends; and, in proportion as these improvements have been introduced, the means of conveyance have been invariably increased. Every change which has contributed, in any degree, to render the way more smooth, even, and continuous in its surface—whether by introducing harder, smoother, or more durable materials than formerly; or seeking out and forming a more solid basis for these to rest on; or uniting the different pieces with closer or more perfect joinings—has, in exact proportion, by easing the draught, added to the powers of traction. The first railways, which were of wood, although much superior to the roads then in use, were, probably, inferior to the present turnpike-roads, on which a horse draws about fifteen hundred weight at an average. Such, however, is the perfection to which the art has now arrived, that on a level line, a single horse will draw with ease a load of ten tons, besides the weight of all the carriages; and the railways which are now in progress in different parts both of England and Scotland, are

are so remarkably improved, that we may anticipate a still greater increase in the powers of traction.

Besides this great advantage of the railway, and which fits it so peculiarly for the transport of heavy goods, it is also equally and even still more remarkably adapted for the purposes of speed, a circumstance which was never thought of in the original railways, nor, we believe, until the opening, in September, 1825, of the celebrated Stockton and Darlington railway; a work which will ever reflect honour on its authors, for the new and striking light in which it practically demonstrated all the advantages of this invention. Since that time, coaches have been regularly plying between the two towns on that railway. Each is drawn by a single horse, and yet carries, in ordinary cases, six passengers inside, and from fifteen to twenty outside, with a due proportion of luggage. In fact, with respect to the number of passengers, they do not seem to be at all particular; for, in cases of urgency, they are seen crowding the coach on the top, sides, or in any other part where they can get a footing; and they are frequently so numerous that when they descend from the coach and begin to separate, it seems as if some petty assembly of the inhabitants were dismissing. The general speed is at the rate of ten miles an hour. The above seems an enormous load for one horse to run with, and at such speed, and yet the animal appears to make scarcely any exertion, certainly not so much as a horse in a common gig. We ourselves have repeatedly travelled in one of these coaches, and it would be difficult to convey an idea of the interest excited by this extraordinary conveyance, and the novelty of the whole scene. Nothing appeared more surprising than the rapidity and smoothness of the motion, and the ease with which the animal drew his load. It was only occasionally that he appeared to give the traces a pull; at other times, even on the way from Stockton to Darlington, where there is a slight ascent, the traces seemed often to hang quite loose; and by far the greatest exertion which the animal appeared to make, was in keeping up his own motion. The coach had no springs of any kind, and yet the motion was fully easier than any coach on the road—so easy, that a passenger might read a newspaper with perfect comfort. The coach never turns on the railway, but can be drawn either backwards or forwards with equal facility, the horse being merely unyoked from one side, and yoked to the other, which is done in less than half a minute. Such is the extreme mobility of the whole vehicle and its load, along the railway, that when once set a-going it is not easy to stop it; it is not enough here to 'pull up,' according to the coachmen's phrase; it requires an apparatus for the purpose—a species

species of drag on the wheels, termed a brake, the operation of which it is unnecessary to describe in detail. On some occasions it happens, through inadvertence or otherwise, that both coaches meet in a place between two passings, and where neither of them can get out of the way of the other: things seem approaching to a complete stand, when one of the coachmen unyokes his horse, reyokes him in an instant to the opposite end, and draws his carriage back to one of the passing places, which he enters, allows the other coach to pass, and then resumes his course. The whole affair is managed with surprising facility, and it is wonderful how little these obstacles, which appear, at first sight, very serious, really obstruct the progress of the traffic; although, undoubtedly, the true remedy is to have a double line of rails the whole length of the way. The cheapness of this mode of travelling is also an additional recommendation. The fare for outside passengers is only one shilling between Stockton and Darlington, a distance of twelve miles; and for shorter distances, at the rate of one penny for each mile. The inside fares are exactly one-half more.

Such, then, are the advantages of the railway, as compared with common roads. It has already increased the power of draught ten times, and enabled us, even with horses, to travel at a speed unequalled by any other mode of conveyance. These effects are truly surprising, and what we should hardly have anticipated from the mere substitution on our roads of one material for another. It arises entirely from the superior hardness and smoothness of the metallic surface, and affords a striking illustration of the principles we have been endeavouring to explain. On this the carriage rolls entirely free from the usual impediments to its motion. It then begins, like every other heavy body in motion, to develope, in a remarkable manner, the operation of that grand principle in mechanics, that a state of locomotion is really as natural to bodies as a state of rest, and is, therefore, as easily maintained in them when once it is produced, and with quite as little exertion of force, as if they were actually standing still; a principle generally so hidden by the multitude of obstacles to locomotion, which usually lie in our way, that the proposition appears, at first view, rather startling. The ancient philosophers accordingly imagined, that rest was more congenial to the natural state of bodies than motion. But this is quite a fallacy,—and it would be easy to show, and, indeed, is obvious, by many facts and observations, that proneness to rest, and that invariable and speedy termination of all the motions we are capable of making, on the surface of the earth, arise entirely from the obstacles which come in the way of the moving body. The more we get rid of these, the longer does any motion that

that we impress on bodies continue to actuate them; so that it is certain, if we could remove entirely every obstructing cause, our carriages, when once in motion, would continue for ever to roll along without any addition to the original impelling force. Such perfection, however, can never be attained, owing to the resistance which arises from the friction and adhesion incident to the smoothest surfaces; and which, as it is founded on the constitution of matter itself, may be reduced, but cannot be altogether removed, by the most elaborate polish. Even when instead of drawing we only roll the one surface along the other, although there is no rubbing whatever, still, a certain degree of resistance arises from the mere contact and pressure of the surfaces. All that we can do to remove these obstructions, is to smooth the rubbing and rolling surfaces, both of the carriages and of the tracks, or to make use of any other means, for the same purpose, which experience may suggest. Fortunately, however, there is one remarkable circumstance connected with those obstructions, which is highly favourable for the purposes of speed. It appears, from many experiments, that friction is nowise increased by the motion of the bodies themselves, however rapid this may be: so that, if we once overcome the friction and adhesion, a small preponderance of power will be sufficient to impel the machine with any velocity that may be desired,—at least, with any velocity which it would be safe, on other accounts, to attempt. How different is the case in navigation. The fluid element supports, no doubt, and floats on its surface the most gigantic masses with admirable and perfect effect, and seems, even, to remove every obstruction to their motion, except mere inertia, such is the facility with which they roll, or can be moved about in any direction, by a comparative nothing in the balance of weight and power. This, however, is a mere deception; for, no sooner does the vessel acquire any degree of velocity in the water, than the resistance of the dense medium becomes apparent; and whatever amount of impelling power is applied, a limit of speed is soon attained, beyond which it is found impossible to advance. This is well exemplified by the trackings on rivers or canals. We there see the animal straining to its utmost, and yet continuing to plod at the same slow, yet weary and difficult pace, drawing, no doubt, an enormous load, but unable to advance it with any degree of speed. Even at sea, the power of the winds can never impel a vessel beyond ten or twelve miles an hour. And if we look to steam navigation, how little has the rate of speed been increased by the enormous additions of impelling power which have been successively applied. Few steam-vessels of any magnitude are now constructed without engines of the power of one hundred horses, and some possess a

power

power the double of this: yet they have never been able to increase their speed beyond the rate of ten or twelve miles an hour. And the reason of this is, that the fluid medium presents a resistance, which, increasing continually with the velocity of the moving body, soon forms a complete counterpoise to any power that can be applied to overcome it. The resistances which occur on a railway are, on the contrary, of such a nature, that they rather diminish than increase by velocity of motion; the quicker we move along, there is the less time for the retarding force to operate; in increasing the rapidity, we escape, in some degree, from its influence, and may be really urged forward with a smaller amount of force, provided the machinery be adapted to so quick a rate of motion.

Such being the nature and advantages of the railway, it is obvious that it is exactly that species of improvement which is adapted to display the magnificent powers of the steam-engine in propelling carriages by land. All the obstacles which occur on ordinary roads, to retard the movement of carriages, are at once done away by the smooth and continuous level which it affords; the resistance now presented to the moving body is so greatly diminished, that an engine of trifling dimensions and power, and every way manageable, is all that is necessary to propel the most enormous loads with almost any given velocity, and far surpassing what could ever be attained by the utmost stretch of animal power; and the reason is, that the machine, unlike any animal, rolls along, unimpeded in any degree by the speed of its own motion. It is only here, accordingly, that the locomotive engine has ever been applied with success to any practical purpose.

It was in the year 1802, that the first patent was taken out by Messrs. Trevithic and Vivian, for a locomotive engine for a railway. This engine, which was two years afterwards set in motion on the Merthyr Tydvil rail-road, drew as many carriages as carried ten tons of bar-iron, at the rate of five miles an hour. In this early stage of the improvement, the want of hold or adhesion of the wheels of the carriage to the rails was *supposed* to present a serious obstacle to the use of the engine in drawing heavy loads; and this error, as experience has proved it to be, continued long after to perplex the theories of engineers, and to retard the progress of the discovery, from the useless and complex contrivances devised to obviate the supposed inconvenience. Hence, it was not until nine or ten years afterwards that the engine began actually to be employed on railways for the transport of goods. About the year 1811, Mr. Blenkinsop, of Middleton Colliery, near Leeds, erected several engines on his railway, where they have ever since been used in conveying coals to the town. But these engines had toothed-wheels,

wheels, working into a toothed-rack, a contrivance which is liable to many objections. About the year 1813, Mr. Blackett, of Wylam, who had previously received one of Trevithic's engines, erected another similar to it on his railway, about five miles west from Newcastle; and what was of still greater importance, made some accurate experiments on the power of the adhesion of the wheels, which set this question completely at rest,—this engine moving and drawing a very considerable load after it, without any other auxiliary. The Wylam railway, however, was of an extremely imperfect description, and but ill adapted for displaying the power of the engine to any advantage. Still it continued to do its work with effect, and to afford daily demonstration of the practicability of the plan. Hence it gave rise to other attempts of a similar kind in different quarters, and always with increasing success; as the defects of former plans came to be avoided, the nature and operation of the machinery to be better understood, and successive improvements to be suggested, by constant experience in the making of engines. It was on the Killingworth railway that these trials and improvements were chiefly made. The engines were constructed by Mr. George Stephenson, now the engineer of the Liverpool and Manchester railway, from whose manufactory most of the engines since employed have been produced. It was on the 25th July, 1814, that the first engine was tried on the Killingworth railway. It drew after it, according to Mr. Wood, in the excellent work named at the head of this paper, eight loaded carriages, weighing in all about twenty tons, and moved at the rate of four miles an hour, and this upon a slight ascent; so that on a perfect level it would have drawn forty tons. The great improvement in this machine was the introduction of two steam-cylinders, instead of one, which, acting at different parts of the wheels, produced a much more regular motion than formerly, and rendered unnecessary a fly-wheel, which had hitherto been used. Still, it was encumbered with toothed-wheels and other complex machinery. Another engine was constructed, and tried in March, 1815, having the working parts much simplified, and was found to work proportionably better; and this engine, or one of a similar construction, but adopting always successive improvements, has continued ever since to travel on this railway, transporting the coals from the pit mouth, for about four miles, to the banks of the Tyne.

We saw and travelled on these engines, for the first time, in 1826, and although the railway was of the older and imperfect kind, with numerous joinings, and was, besides, in many places worn out or in a bad state of repair, and the engines, also, old and imperfect, compared with what they have since been brought to, the spectacle of

of these machines, moving of themselves, and drawing after them a train of waggons upwards of one hundred feet in length, each carrying, besides its own weight, a load, of three times that of a common cart, formed a spectacle alike singular and magnificent. The load usually drawn by the Killingworth engine was twelve waggons, amounting to thirty-three tons, of coal, besides fourteen tons in the waggons; and it travelled at the average rate of four or five miles an hour, and this, from the circumstances of the railway and of the ascents and descents, might be reckoned a fair estimate for the ordinary work of such engines on a perfect level. It was on the model of these engines that all the others which were afterwards constructed were formed. It would be needless here to enter into the details. The principal, and by far the most prominent, part of the engine, were the boiler and furnace, for generating the steam, which consisted of a large cylinder of iron, set on its side on four wheels, about three or four feet diameter, and eight or nine feet long, with a fire-tube, eighteen inches or two feet diameter, running through its centre, and issuing at its extremity, where it was bent up, and terminated in the chimney, twelve or fourteen feet high. The engine itself was so small, as to be almost lost in the magnitude of the other parts. Its cylinder was nine inches diameter, and the stroke of the piston two feet. Like all the others, it was of the high-pressure kind, and, according to the usual calculation, and allowing for the pressure of the steam, would have the power of seventeen horses; the steam was raised to forty or fifty pounds on the inch. The great defect of these engines, which chiefly retarded their general introduction, was their enormous weight, amounting to six or eight tons, exclusive of the tender for water and fuel; such a load, moving with any degree of velocity, was sure to occasion serious damage to the railway.

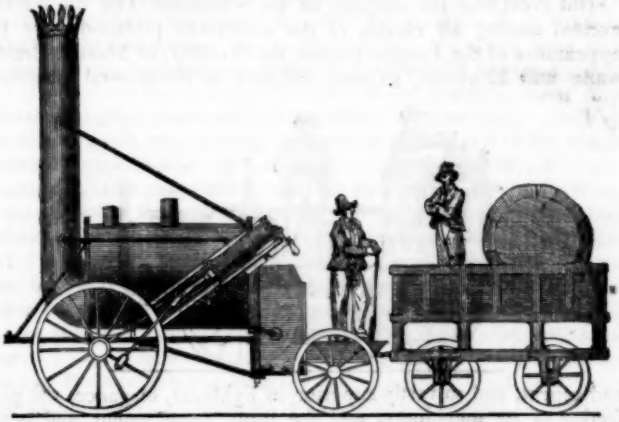
It was on the Stockton and Darlington railway, which was opened on the 27th September, 1825, that they were first tried on a scale adequate to display their powers of traction; this railway presenting a continued level, or at least a line of very gentle declination, for the space of twenty miles, from Brusselton Plain to the town of Stockton. We had occasion to visit this railway in the summer of the following year, and we then found two of these machines constantly at work, each of which drew after it twenty, and frequently twenty-four waggons, containing each a chaldron of fifty-three hundred weight of coals, besides the weight of the waggon, itself of twenty-four hundred weight, forming in all a mass of seventy-seven tons in the one case, and ninety-two in the other; and this load was then regularly conveyed from Brusselton Plain to Stockton, a distance of twenty miles,

miles, if no material or unusual stoppage occurred, in about four hours. In returning with the empty waggons, the engine occupied about five hours. The reason of this is, that the railway presented, in returning, a continual ascent. This, at an average, is about one in two hundred and eighty, which would make the actual gross load, on a level, thirty-eight tons; but in many parts the ascent was equal to one in one hundred and forty, and it was one in one hundred and twenty for more than a mile. On these, the draught of the engine must have been equal to fifty-three tons, and fifty-eight tons on a level, and moving at a rate of four miles an hour.

These facts will be sufficient to place in a striking light the extent of power which the railway system places at our command, for the purposes of draught. It is not only, however, in this department of internal communication, but in another, still more important, namely, in travelling, and where speed is required, that the locomotive carriage will be found to exhibit its vast superiority over every other mode of conveyance. The brilliant success of the recent experiments on the Liverpool and Manchester railway has given an entirely new aspect to this whole question, and affords rational ground to anticipate, at no very distant period, the introduction of these wonderful machines, at least on the principal thoroughfares throughout the kingdom. Hitherto, the greatest difference of opinion had existed, even among engineers, as to the advantages of the locomotive engine, even for the purposes of slow draught; and as for travelling by it with any extraordinary degree of speed, the idea was ridiculed by almost every practical man. It is now proved, that by the action of steam on the railway carriage we can advance with a facility and speed never before equalled either on land or water, and to which, indeed, we can hardly assign any limits, except in so far as the safety of the carriage and passengers may be concerned.

Our readers are aware, that in October last, the time fixed for trying the powers of the engines which were to contend for the prize offered by the directors of the Liverpool and Manchester railway, an immense assemblage of spectators, comprising men of science and practical engineers, from various parts of the country, were collected, to witness the competition. The spectacle was one of deep interest, whether we regard it as a display of scientific and mechanical skill, or look to its practical effects on the commerce and general business of the country. The task finally assigned to the engines was to traverse, backwards and forwards, a distance of thirty-five miles, on a space of one mile and a half, marked out for the purpose; a stoppage was

was then allowed, when additional fuel and water were taken in, and the journey was repeated. The speed was not to be less than ten miles an hour, and the engines were required to draw three times their own weight, which last was not to exceed six tons. Of the engines which came forward, there were two which excited the principal attention; namely, the Rocket, constructed by Messrs.



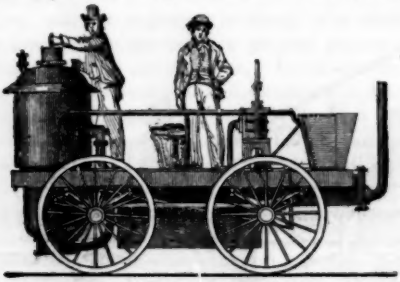
Robert Stephenson and Co., of Newcastle-on-Tyne, and the Novelty, by Messrs. Braithwaite and Erickson, of London. The first, as might have been expected, from the talents of Messrs. Stephenson, and their long experience in the construction of such engines, was, unquestionably, far superior to any which had hitherto appeared. It was formed on the same general plan with the others produced at the same manufactory, but included various striking improvements, the principal of which was, a new method of generating the steam.* Instead of allowing the heat from the fire and the heated air to rush in one unbroken volume through the fire-tube, under which circumstances the greater part of it escaped up the chimney,—it was made to pass through a great number of small pipes, running longitudinally through the boiler, and all immersed in the water; the effect of this was, to expose a much larger surface of the water in the boiler to the action of the fire, by which means the heat was almost entirely absorbed by the water, instead of being dissipated, as heretofore; and thus the steam was generated freely, an object which had hitherto not been attained in these engines. The cylinders of this engine are of eight inches diameter, and seventeen inches stroke, shewing a power, according to the

* The 'Rocket' boiler was the invention of Mr. H. Booth, of Liverpool.

usual

usual calculation, of thirteen horses. Another improvement in the engine was, its great lightness, weighing only four tons five hundred weight. The engines formerly in use weighed, as we have already stated, most of them six or seven tons, and some eight or ten. In short, this engine was, in every respect, the most perfect of this particular kind.

But great was the surprise of the engineers, and the interest excited among all classes of the assembled multitude, by the appearance of the London engine, the Novelty, of Messrs. Braithwaite and Erickson, so very different in its general structure



and aspect, and so vastly superior in lightness, elegance, the perfection of its machinery, and the form, arrangement, and compactness of its various parts. The boiler, which, in other engines, makes so prominent a figure, was of such small dimensions, that it required some attention to discover, at first, where it was placed. It consisted of a long tube, twelve inches only in diameter, under the frame of the engine, nearly on a level with the axles of the wheels; and the chimney, instead of a tube fifteen or eighteen inches in diameter, and rising fifteen feet above the ground, formed merely a pipe, not exceeding four inches diameter, issuing from the end of the boiler, and not rising more than seven feet above the ground; and this arrangement, if it be found practicable, is of peculiar advantage, not merely in the appearance of the machine, or in giving it additional lightness or steadiness, by diminishing the top weight; but, what is of far more consequence, in enabling us to reduce the height of all the bridges under which the engine must pass, in crossing any of the public as well as private roads. It will admit of a deduction of seven or eight feet from the height of the mason-work in every such bridge. What a saving must this produce in the original cost of a railway, through a cultivated country, where these bridges must frequently occur! This of itself must strongly recommend the use of such an engine. The end of the boiler, opposite the chimney, terminates in the furnace and steam-

steam-chamber, which form, externally, a tube, two feet and a half in diameter, and rising about four feet above the boiler; then, contracting to less than two feet, it descends nearly to the ground. It is within this tube that the fire-place and furnace are situated, being surrounded on all sides by the water in the boiler. The fire is kept up, not by the draught of the chimney, but by a sort of bellows, or blowing apparatus, worked by the engine. This throws a constant stream of air into the fire, which, after it is heated, escapes into the chimney by an internal flue, traversing from end to end of the boiler three times ere it enters the chimney; this flue is not above three inches diameter at the furnace, where it is widest, and diminishes gradually towards the chimney. Such is the effect of this long turning and returning flue, and of the whole arrangement, that when the air escapes into the chimney, its temperature is not much warmer than the water in the boiler, showing how completely the heat is consumed in generating the steam, and how little escapes into the chimney. Another remarkable advantage of the engine is, that, instead of requiring a separate waggon and tank for the water, which adds greatly to the weight, it carries its water-tank between the wheels and under their axles; by which means, together with the low position of the boiler, the centre of gravity of the whole engine is reduced nearly to the level of the axles of the wheels; and thus not only the safety, but the steadiness of motion in the engine is attained in a manner far beyond what any other is capable of. The cylinders of this engine, also, were only six inches in diameter, and twelve inches long, the smallest capacity of any locomotive engine hitherto tried—the power not exceeding that of seven or eight horses. In short, in every view that we take of it, whether in its details or its general effect and operation, this engine must, without doubt, claim the pre-eminence, as a masterpiece of ingenuity and mechanical skill.

The powers of these two engines were exhibited at various times, and with surprising effect. Mr. Stephenson's *Rocket*, in the principal trial of its powers of draught, drew a load of about thirteen tons, which was fully three times its own weight, for the first thirty-five miles, in three hours and ten minutes, being at the rate of eleven miles an hour and upwards; and, after a stoppage again, repeated the same distance in two hours, fifty-two minutes—which is upwards of twelve miles an hour, including all stoppages. The speed of the engine with its load, when in full motion, was, at different times, thirteen, thirteen and a half, fourteen, and sixteen miles—occasionally upwards of twenty miles—an hour; and, had the whole distance been in one continued line, there is little doubt but the result would have been fifteen miles at an average. Several trials were made to ascertain the rate of

speed at which the engine could be propelled; and when the whole of its load was taken off, including its water-tank and fuel, it ran a space of seven miles in fourteen minutes fourteen seconds, being at the rate of thirty miles an hour. A carriage, with thirty-six passengers being attached, it moved at a velocity which sometimes reached twenty-eight miles an hour. This engine also drew a number of passengers up an inclined plane, rising one in ninety-six, at the rate of twelve miles an hour. This last fact gives us a new view of the power of such engines:* they were hitherto thought capable of running or drawing a load, only on a perfect level; but here we see the engine rapidly ascending a rising ground; and this effect is of great importance in the laying out of railways, enabling us to vary the levels, and adapt them to the undulating nature of the country through which the line passes.

Messrs. Braithwaite and Erickson's *Novelty* was first tried as to its utmost speed, without any load, excepting its coke and water, which it carried along with it. In traversing backwards and forwards along the course, it moved, within the hour, twenty-seven miles and three-quarters; at several times, when its speed was noted, it actually moved at the rate of thirty-two miles; and, at one time, at that of forty miles. Its powers of draught were next tried; with a load of six tons two hundred weight, assigned by the judges as being three times its weight, it set off at a rate of twelve miles an hour, and the speed rapidly increased to that of twenty-one miles. The whole space of one mile and a half was performed in four minutes and thirty-nine seconds, being at the rate of seventeen miles and a half an hour; and at one time the speed was as high as twenty-two miles. Instead of the loaded waggons, a carriage was substituted, containing forty-five passengers; with this, the engine made several journeys, at a speed of twenty-two miles an hour, on an average; at the greatest speed, it went at the rate of thirty-

* The steepest inclined planes which, as far as we are aware, locomotive engines have attempted to surmount, are those on the Bolton and Leigh railway, in Lancashire. The account of the following performance we have received from a gentleman who was present on the occasion. One of these planes is a mile and a half long, and rises 1 yard in 72; the other is 2200 yards long, rising 1 yard in 30. Up the former of these the 'Sans Pareil' locomotive (one of the engines which competed for the premium at Rainhill, and weighing something more than 4½ tons) ascended, drawing after her the tender-carriage, with coal and water, two waggons loaded with iron, and a carriage with passengers, making a gross weight drawn of about 15 tons; with which load she moved at the rate of 9 miles per hour. Up the steeper plane (rising 1 in 30) she drew her tender, and one carriage with passengers, the gross weight drawn being about 4 tons, 15 cwt., with which she ascended at a speed of from 9 to 11 miles per hour;—each of these performances being equal to about 65 tons drawn on a level. We apprehend, indeed, that we must consider this as an experiment made under favourable circumstances, rather than as the ordinary and every day work of the engine; it is sufficient, nevertheless, to prove the very great power of these machines, and to enable us to form some idea of what may be expected when further improvements, which are every day making, are practically and extensively introduced.

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two miles an hour; and such was the steady and equable motion, that it was quite practicable even then for a person sitting in the vehicle either to read or write. The trials of these rival engines were made under the disadvantage of a limited space on which they had to travel, backwards and forwards, which must have operated as an impediment to their speed. There was also a slight bend at each end of the line, which tended to retard the motion. In a word, it is clear that, on a straight and continuous line of sixty or seventy miles in extent, their rate of speed would throughout the journey have been greater and more equal.

Since the above experiments were made, a new and still more improved engine, by Messrs. Stephenson (the *Meteor*), has been tried on the railway; it is more powerful than the Rocket, having a ten-inch cylinder and sixteen-inch stroke, and, consequently, the power of nearly twenty horses. It has also a much greater number of pipes traversing the boiler, by which means an ample supply of steam is generated. The Novelty has also been again tried, having been completely repaired, and an alteration made in the mode of blowing the fire, which is now done by a separate little engine, which renders the blast quite independent of the motion of the carriage. Some very careful trials of the performance of these two engines have been made in presence of an engineer of our acquaintance, on whose talents and accuracy we place the utmost reliance, and who carefully noted all the different measurements. The following are the results:—the Meteor weighed, when the boiler was full of water, four tons twelve hundred weight, and the tender three tons when full, and thirty-two hundred weight when empty. Besides this, there were six waggons attached, weighing, with passengers, twenty-eight tons fourteen hundred weight, equal fully to four times the weight of the engine and tender; although working under considerable disadvantages from the state of the railway, it drew this load ten times backwards and forwards on the line, at the average rate of nearly ten miles and a half an hour, besides the space travelled over at each end of the course,—and in many parts its speed was eleven, twelve, and thirteen miles an hour. The consumption of coke for forty-two miles, including half a hundred weight for heating the water in the boiler, was ten hundred weight, the expense of which would not exceed five shillings. Nothing shows more decidedly the improvement introduced by Mr. Stephenson, in the mode of generating the steam in these engines, than the supplying at such a rapid rate of speed an engine of the above magnitude and power, and yet the whole apparatus so much diminished in weight In the trial with the Novelty, this engine drew eight waggons, weighing in all twenty-eight tons one hundred weight, or seven times its own

weight, at the average rate of seven miles and a half an hour, continuing to traverse backwards and forwards ten times, and in some parts its speed was nine miles, and at one place, nearly ten miles an hour. The consumption of fuel was only five hundred weight and twenty-eight pounds for thirty-seven miles and a half, the expense of which would not exceed five shillings and sixpence. This performance is truly surprising, and gives us a new idea of the powers of this engine. Hitherto it has been thought only adapted for travelling with great speed under a light load; but here we see its powers of draught are equally remarkable, and, what is also important, its decided superiority to any other engine in the economy of fuel. The more it is considered, the more certain does it appear that this engine involves a new principle of generating steam not hitherto known, or, at least, practised amongst engineers. In constructing boilers for steam-engines, the great object has hitherto been to expose as large a surface as possible to the action of the fire,—and all Mr. Stephenson's improvements depend on this principle. Mr. Erickson, however, to whom we are indebted for this idea, exposes but a limited surface; and, to make up for this deficiency, he applies to it an intense degree of heat. How far this plan may answer in practice, without injuring the materials of the boiler, must be determined by further experience. We understand he is now applying the same principle to the boiler of a steam-boat engine; and if this attempt succeeds, it will be, without doubt, the greatest improvement in steam navigation since the original introduction of that discovery.*

Such, then, are the extraordinary performances of these machines, arising from the combined effect of the steam-engine and the railway; and whether we consider the prodigious powers of locomotion and of draught which are now, by this improvement, placed at our command, the economy of transport for heavy goods, or the cheapness, combined with unparalleled facility and dispatch, for mails, for light goods, and, above all, for the purposes of travelling in this ever-active community; they are equally remarkable, and must, without doubt, form a new era in the history and improvement of our inland communications. Could such perfect means of intercourse, indeed, be established

* The Directors of the Liverpool and Manchester Railway Company have ordered two engines from Messrs. Braithwaite and Erickson, on the principle of the 'Novelty,' on the following terms:—The weight of the machine (with the requisite quantity of water in the boiler) not to exceed 5 tons; the gross weight *drawn* to be 40 tons; to be conveyed from Liverpool to Manchester (30 miles) in 2 hours—being assisted up the inclined plane, or an allowance made for loss of speed at that place. The pressure of steam in the boiler not to exceed 50lbs. per square inch: the engine not to consume more than half a pound of coke per ton drawn per mile: to be delivered in Liverpool not later than 15th June next: and to be kept in repair by the builders for 12 months.—Price, 1000*l.* for each engine.

generally

generally throughout the country, it would give rise to a revolution in our internal trade and resources, such as no thinking man can contemplate without being lost in wonder! Volumes might be written on this interesting and fertile topic; but in a commercial country it seems superfluous to enlarge on it farther. We shall just endeavour to state a few of the more striking effects which might be anticipated—and first, in regard to the economy of transport for heavy goods.

An engine such as the Novelty is capable, from what we have seen, and calculating minutely all the expenses incident to it, of transporting heavy goods at the rate of one-fifth of a penny per ton for each mile; the addition of railway dues will raise this, perhaps, to three halfpence for minerals, such as coal, lime, stone, &c.; to twopence for other articles, such as grain, &c.; and to twopence-halfpenny or threepence for general merchandise; while on most of our great roads, the expense of carriage amounts to fivepence for minerals, sevenpence for other articles, and eightpence for general merchandise, including the toll-dues, which hardly ever exceed one penny. Even on canals the expense of trackage amounts to one farthing or one halfpenny a ton for each mile; and the addition of dues raises it to twopence-farthing or threepence-halfpenny. The importance of these facts, and their influence on many great branches of internal trade, may not, at first, appear in its full extent. But if we consider how great a portion of the articles which we daily consume consists of heavy goods, and how much the price of those goods is enhanced by the expense of inland conveyance, the advantages of a cheap mode of transport will be at once made manifest. Coal, for example, which forms so important an article of family expense, and of which, also, so vastly larger a quantity is consumed in our manufactories, and by steam-engines and steam-boats, cannot be transported to any distance without a great addition to its original cost; in truth, in most cases, the expense of carriage forms the chief part of the price. This article, which at the mouth of the pit seldom costs more than five or ten shillings per ton, rises with rapidity as it is removed; and at the distance of twelve or fourteen miles, its original cost is doubled. Hence it is that so many of our valuable stores of coal, as well as other mineral treasures in different parts, are allowed to rest in the earth, the price for which they would sell in the market not being sufficient to defray the expense of bringing them thither,—and thus the natural resources of the country lie waste. The effect of introducing cheaper modes of conveyance, therefore, is, not only to reduce the price, but to bring new supplies into use. We thus lower the price of all those various manufactures, of which the expense of fuel forms a constituent part, increase the demand for them, and

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in this manner enlarge the circle of our commerce. It is quite obvious, that the choicest products of the earth are of no value, unless they can be conveyed to those for whose use they are designed; and, accordingly, we learn, that in countries destitute of proper roads, in Spain and Portugal for example, and in some parts of France, the fine wines of various districts are of little value, because they cannot be brought to their proper markets. The soil, accordingly, is but indifferently cultivated, each spot yielding but a scanty produce for the immediate supply of its own neighbourhood. But if, by some improved mode of conveyance, its produce could be transported to the sea, or to any of the great markets of the country, what a revolution would take place! Every article of produce would be at once improved in value by the new demand which would arise; the slumbering powers of productive industry would be awakened; and all the varied treasures of nature would be poured forth for the use and the comfort of man.

The great reduction in the price of fuel, by the introduction of new modes of conveyance, has been strikingly exemplified in many parts of the country. Soon after the Stockton and Darlington railway was opened, the price of coal at Stockton, to which it had formerly been transported along the common roads, fell from 18*s.* per ton to 8*s.* 6*d.*; a great trade in lime sprung up, entirely in consequence of the improved mode of conveyance; the carriage of lead from the mines in the interior to the shipping-port at Stockton was also prodigiously reduced in price. The metropolis, which requires such an immense annual supply of fuel, is distant only one hundred miles from the nearest coal-fields in Staffordshire; but the expense of transport along the road cuts it off entirely from this supply of coal; and even though there are canals along the whole way, yet but a very trifling quantity reaches town by this inland navigation. London, then, is reduced to depend on the supply from the collieries round Newcastle, from which it is transported at a sufficiently reasonable rate by sea. Still the price of fuel in London is proverbially high; and if the competition of the inland collieries could be brought into operation, by means of a railway, embracing, as it would do, in its course the great town of Birmingham, this would infallibly tend to lower the price of so necessary an article, thereby conferring a very important benefit on the inhabitants of our over-crowded metropolis. This remark applies not only to coal, but to all the other articles of daily consumption, which are required in such vast quantity for the supply of the town, and which, by an improved conveyance, could be drawn from a much wider circle round the country. But London is not the strongest case here;—there are many inland towns which have no access to the ocean,

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and to which coal, being of necessity transported by land, must always be a dear and a scarce article; and to these, therefore, the benefit of this improvement would be immense. Besides fuel, there are many species both of light and heavy goods to which the railway and the engines will afford a convenient, cheap, and ready conveyance. In the intercourse of populous and trading towns, more especially, it is scarcely possible to calculate the advantages of this improvement.

Between Liverpool, for example, the great emporium of maritime trade for the west of England, and Manchester, the seat of the cotton manufacture, where this mode of conveyance is just about to be established, it appears from the evidence laid before the House of Commons, that all the aids of the roads, canals, and river navigation, are still found insufficient for the regular conveyance of goods, every channel of communication being frequently choked up, and merchants and manufacturers subjected to the most inconvenient delays. Such is the extent of this trade, that, according to the accurate calculations of the directors of the proposed railway between the two towns, goods to the amount of fifteen hundred tons per day are conveyed between the two places; and the directors, in their instructions to their engineers, contemplate the probability of three thousand tons and upwards passing daily each way. The charge by the common boats is ten shillings per ton; but the delay of this conveyance renders it necessary to have recourse to the fly-boats, which carry goods in sixteen and twenty-two hours, at an expense of twenty shillings per ton, or to carriers, who convey the goods in twelve hours, at an expense of forty shillings per ton. Estimating the average expense at thirty shillings per ton,* we have an expenditure of 2250*l.* per day for the conveyance of goods. Now, it is calculated that the railway alone, with a due number of locomotive engines, would be quite adequate to the carriage of this vast mass of goods; and that, instead of twelve or sixteen hours, and sometimes several days, they could be transported to the place of their destination, with the most perfect regularity, in the course of three or four hours, and at the low rate of seven shillings per ton—reducing, in this manner, the expense of carriage per day from 2250*l.* to 525*l.*, and transacting the business, at the same time, with infinitely greater regularity and dispatch. The annual saving on this one branch of local expenditure would thus amount to 517,500*l.* per annum, which is nearly equal to half of the house-duty throughout Great Britain, and cannot be far short of the amount of all the public taxes paid by

* It is of no consequence to our argument, although we should be rating this rather too high. We suspect we have done so, from some intelligence which reaches us too late to admit of adequate inquiry.

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the two great towns in question. Besides this, we have the saving of time, which, in many cases, is of much greater consequence even than the expense. On the advantages to the community from such savings, and from the increased facilities they give to commerce, it would be superfluous to enlarge; and we may observe, without entering into further details, that in all the great thoroughfares of the country, and in the intercourse of all the great towns with the metropolis, as well as in their extensive intercourse with each other, the railway and the engines may be adopted, if not with equal, at least with very great advantage.

But besides heavy goods, the railway, as already observed, presents equal, if not greater advantages in another important branch of internal intercourse, namely, the conveyance of light goods, or of the mails, where speed is required, and more especially for the conveyance of passengers. We have already stated the speed at which the locomotive carriages are capable of proceeding; but, with a view to practical purposes, it is necessary to consider, not merely the utmost rate of speed to which they can attain, but that which is consistent with safety. In our common coaches it is impossible to travel at a rate beyond ten miles an hour, and even at this rate experience shows that accidents often occur, owing to the spirit of the horses which it is found necessary to employ, and which it is, at the same time, extremely difficult to control. But it is the peculiar excellence of the power of steam, that it is at all times under our most perfect command, as was exemplified in the recent experiments, where the engines could be stopped, even when going at their utmost speed of thirty miles an hour, by merely reversing the power of the steam. Another advantage is, that those vehicles, from their great weight, and their confinement on the tracks of the railway, can scarcely be overturned by any contingency. This mode of travelling consequently admits a rate of speed that would be entirely inconsistent with safety, even although it were practicable to attain it, with animal power. It would be still imprudent, however, to adopt the utmost limit of thirty miles, because such an unusual rate of velocity, surpassing that of the swiftest horse, would be alarming, if it were not dangerous; and if any accident were to happen, such as the vehicle running against any obstacle, a circumstance, no doubt, very unlikely to occur, the effects of the collision would prove fatal both to the vehicle and the passengers. At the rate of twenty miles an hour, however, it would, we think, be perfectly practicable to travel with the utmost safety and comfort; and when we consider the vast facilities of intercourse which would thence arise, if its practicability were once established by some decisive experiment, we may fairly anticipate a great reduction in our present modes of travelling. What a cheap and rapid communication could be established,

blished, by means of this conveyance, between London and all the great provincial towns! The distance between London and Manchester or Liverpool is two hundred miles, which cannot be travelled, at present, in a shorter time than twenty hours, and at an expense of at least three pounds. By the steam-carriage, running along the railway, a traveller would be conveyed the some distance in ten hours, and at the comparatively small expense of sixteen or eighteen shillings. A manufacturer of Leeds or Manchester, by setting out early in the morning, might arrive in London to dinner, transact his business in the evening, and dine at his own house the next day; and those great towns would be, in this manner, actually brought nearer to each other by half their present distance. To Birmingham, again, the distance from London is about one hundred miles, which could be travelled, by the same conveyance, in five hours; so that a merchant might leave London early in the morning, reach Birmingham to breakfast, transact business, and return to London to dinner. Between great towns not so far distant, where the intercourse is, consequently, more frequent, the advantages would be still more important. Between Liverpool and Manchester, for example, we may safely estimate the number of passengers every day at four hundred each way, and the average fare to be about seven shillings each; the daily expenditure will amount, in this manner, to about two hundred and eighty pounds. By the use of the steam-coaches, the fares would be reduced to two shillings and six-pence, and would thus amount only to one hundred pounds per day, making a daily saving of one hundred and eighty pounds, or upwards of sixty thousand pounds per annum. But this great facility and cheapness would, undoubtedly, give rise to a much more extensive intercourse: since the journey could be performed in an hour and a half, merchants would often dispatch their clerks with goods or with messages, in place of sending invoices or corresponding, and would much more frequently travel themselves between the two places: the intercourse would be increased in this and a thousand other ways of the same kind; and new sources of trade and business would thus be opened upon the railway, by these increased facilities of communication. Of this we have a remarkable instance, on the Stockton and Darlington railway. Between these towns there was formerly no coach at all on either of the roads along which the railway runs parallel, and an intercourse of this kind never entered into the views of its contrivers. Very shortly after the opening of the railway, however, a coach was tried on it, the success of which gave rise to others; and in less than a twelvemonth, the Railway Company drew a revenue from this source of four or five hundred pounds a year. An intercourse and trade seemed to arise out of nothing, and no one knew

knew how; and altogether the circumstance of bustle and activity which appeared along the line, with crowds of passengers going and returning, formed a matter of surprise to the whole neighbourhood.

Another great source of revenue and of trade on this improved mode of intercourse would arise from the conveyance of those fine goods, parcels of value, and all light articles, where speed and certainty are required; and which are now sent, at great expense, by coaches. In this manner the seats of the various finer and lighter manufactures would be brought almost into immediate contact with the great markets for their disposal. A merchant in London, on receiving any particular order, might send either to Nottingham, to Birmingham, or to Sheffield, or even to Manchester or Leeds, and have the goods in his shop the next or the following day, and at an expense not exceeding one shilling and sixpence or two shillings.

Lastly, what a wonderful improvement would arise in the conveyance of letters, and the rapid circulation of intelligence! The mails might safely travel at the rate of twenty-five miles an hour, and be conveyed between London and Edinburgh, a distance of four hundred miles, in eighteen hours; an event, happening in London, would be known in Edinburgh the same day. Such a rapid transmission of intelligence would, to our ancestors, have appeared miraculous and incredible; even lately, when the experiment of steam-carriages was about to be tried, the idea of travelling at such a rate of speed was considered to be impracticable; and those who, with better knowledge of its principles, actually contemplated such an improvement, were treated as wild visionaries. But we see these views, however extravagant they may have appeared, realized, and even outdone, by experience. Their practicability is now completely established, and only requires means for carrying it into effect.

Such, then, are a few—and but a few—of the important advantages which would arise from the introduction of this improvement. Hitherto, the system of railways has been viewed merely as an auxiliary to inland navigation, or for the limited purpose of conveying coal and other minerals from the interior to the nearest land or water communication. But these experiments prove, that even for heavy goods, where speed is not so absolutely necessary, the railway and the locomotive engines combined are superior to canals in point of economy, the speed of conveyance making up for any deficiency in the power of trackage, while it is noway liable to those obstructions from frost, which so frequently interrupt the navigation of the canal. It has, in every respect, therefore, the advantage; and must, sooner or later, become the principal medium of our inland trade. And when we consider the immense sums now spent

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in accomplishing the active and busy traffic which is continually going on in the various districts of this great commercial country, and the heavy tax which it imposes on trade and industry, the consequence of such a revolution must be in the highest degree important. The prodigious saving on the expenses of transport, together with the increased facilities of intercourse, must give rise to an immense increase of business; while the most remote districts of the country would be explored, to furnish materials for our improving trade and manufactures; for the supply of an expanding population, and a rapidly increasing consumption of all the articles of convenience, luxury, and taste. Every branch of trade would participate in the general improvement, while new sources of productive industry would arise, for the employment of the various classes of our people. In short, the whole community would feel an impulse, of which it is impossible to calculate the effects; but, should we live to see fully developed all the powers and energies of this system, we have no doubt we shall also live to see it recognized as one of the very greatest benefits which either philosophy or art has ever conferred on mankind.

The only obstacle to the immediate introduction of the plan arises from the great amount of capital which is required for such undertakings. The railway does not admit of those inequalities which so frequently occur in our ordinary roads, owing to the undulating nature of the country through which they pass. Such is the ease of draught on its smooth surface, that an ascent which would hardly be perceived on a common road would require double and triple the impelling force, to overcome it, which would be necessary on the level. Such ascents would absolutely defeat the purpose of the improvement; and the whole line, unless where it is interrupted by inclined planes, must be reduced nearly to a perfect level; which cannot be done without a lavish expenditure, in cutting through all the interposing ridges of the country, raising embankments in all the valleys, building bridges across all the rivers and streams which lie in the way, and also over many of the numerous public and private roads which already intersect every part of our cultivated districts. The purchase of land is also a material item of expense, and great difficulties occur in the extensive interference with property which must take place throughout the line. On all these accounts, a heavy expense arises, which, in general, cannot be estimated lower than five thousand pounds for each mile; and, in some cases, may rise to three times this amount. The expense of the Liverpool and Manchester railway is now estimated at upwards of twenty thousand pounds for each mile; the whole cost amounting to seven hundred thousand or eight hundred thousand pounds.

pounds. Works of such magnitude and expense cannot be undertaken without serious consideration, and without due time to mature the different designs, to reconcile jarring interests, and to open the public mind to all their manifold advantages. It is only where there is a very considerable traffic, that such speculations can ever be of any advantage; hence it is evident that a long period must elapse before they can be extended from the crowded and populous districts of the country into its remoter parts. In all cases of this nature, we must wait the slow and spontaneous progress of improvement, which cannot be hurried artificially forward, to suit the views of projectors: and the results which we have already witnessed have so far outstripped all calculations and experience, that it is, in an especial manner, necessary to guard against the delusion of visionary schemes, introduced with dazzling prospects of profit and advantage, fairly drawn out upon paper, and arithmetically correct; but which, nevertheless, may be followed by an extent of ruin to individuals, and injury to the community at large, that may, for a century to come, throw discredit on all attempts at improvement, however sober and practicable. We hope, therefore, to see this mighty improvement adopted zealously, but not rashly—and in those situations, in the first place, in which it is actually called for by such pressing inconveniences as we have been referring to at Manchester, Liverpool, and London.

To conclude—though we have judged it best to adhere, in the present paper, to such immediate advantages as may be calculated in pounds, shillings, and pence, our readers are not to suppose that we are blind to other advantages of a higher order still, which, in due time and season, may be expected to result from this new application of the gigantic power of steam. The country wherein this new system of internal conveyance shall first be extensively established, will have gained a start over all others, whether we look to agriculture, to manufactures, or to commerce, which we may venture to pronounce beyond the means of human calculation; and we hail with unspeakable delight the occurrence of the first demonstration of its practicability, at a moment when the national energy has so much need of a stimulus, owing to the depressed condition of industry in almost all its branches. But we look further still: we see, in this magnificent invention, the well-spring of intellectual, moral, and political benefits, beyond all measurement and all price—the source of a better physical distribution of our population—a check to the alarming growth of cities, especially of manufacturing towns, and of this Babylon in which we write—and the source, above all, of such a diffusion of intelligence over the whole country, as those statesmen who think the most worthily of human nature will be the least afraid to contemplate. ART.

ART. V.—*Memoir of the Life and Public Services of Sir Thomas Stamford Raffles, F. R. S., &c., particularly in the Government of Java,* 1811—16, *and of Bencoolen and its Dependencies,* 1817—24. By his Widow. London. 1830.

WE rise from the perusal of this 'Memoir' with feelings of the most gratifying nature. It is delightful to meet with such a book, concerning a part of the world from whence we are more accustomed to hear of crimes, cruelties, tyranny, and misrule, than of such disinterested philanthropy, active benevolence, and unceasing exertions for the moral and religious improvement, and consequent happiness, of the human race as are herein displayed. In this respect, we know of hardly any work worthy of being compared to the volume before us, unless it be that of Bishop Heber, recently published, by the side of which it may be placed as a fit companion. There are, in fact, many points of resemblance between the two characters, though developed under widely different circumstances. Heber was a man of brilliant genius, improved by all the advantages of learning, and embellished by a highly refined taste. Raffles, born in a humble sphere of life, received only a common education at one of those suburban schools called academies. But, unlike as they were in the circumstances of birth and education, we find in both, with very extraordinary talents, the same benevolent disposition—the same kindliness of feeling—the same cheerfulness of temper and buoyancy of spirits—and the same unweariedness in doing good. That warmth of affection and strength of attachment, which enliven and unite the domestic circle, through all the relations of husband, father, and friend, equally distinguished both of these memorable men.

By far the greater portion of this volume consists of letters from Sir S. Raffles to various friends; the originals having been collected, by his widow, from those to whom they were addressed; but all his own papers, of every description, relating to his government in Sumatra, were destroyed when the ship was burnt in which he was returning to England. Those collected as above, Lady Raffles has placed in order, and connected by short explanatory notices and observations, in the manner and style of which modesty and ability are equally visible. On the whole, then, Sir Stamford Raffles is his own biographer. There is this disadvantage, that these familiar letters had most of them been written on the spur of the moment, as opportunities occurred, and evidently were never intended to meet the public eye. They are, therefore, not to be looked at in the light of studied compositions, in which words are weighed and sentences measured. The compensation

pensation is that, in the full and free scope of familiar correspondence, we have all the freshness and warmth of friendship, expressed in sentiments poured forth directly from the heart. We much regret that the letters of love and affection addressed by Sir Stamford to his lady, during their occasional separations, have not been preserved like those of that kind which charm the reader of Heber's correspondence—these all perished in the same catastrophe with the whole of their property.

We are fully convinced, that no individual, before or since his time, has possessed so extensive a knowledge of the commerce, resources, laws, language, and customs, of the varied population of the great Eastern Archipelago, and more particularly of the two magnificent islands of Java and Sumatra, as did Sir Stamford Raffles. All his views and conceptions with regard to them appear to be sound and statesman-like; indeed, his talents and acquirements were evidently such as constitute a great man;—but how useless, comparatively, would these have been had he not also happened to be a good one! The ease with which he was accessible to all classes, his placid temper and persuasive manners, appear to have gained all hearts, and to have enabled him to mould them to his own measures. Such, indeed, was evidently the influence he possessed over all ranks, that, with the aid of missionaries of enlightened minds, whom he eagerly sought after, we have very little doubt he would have succeeded in bringing the four million inhabitants of Sumatra, half Mahomedan half pagan, within the pale of Christianity, in the space of a very few years

Yet the kindliness of his nature, his active beneficence, and constant efforts to improve the minds and morals of the people, were not sufficient to secure him against the hostility of certain persons, both in public and private life; there were not a few among the servants of the Bengal establishment, who could never forgive his being put over their heads—and there were persons of higher influence, whom he had galled by daring to act occasionally on his own responsibility. It would appear, indeed, that his ardent mind urged him on irresistibly to the speedy accomplishment of whatever he had once convinced himself ought to be done for the public good, and the improvement and prosperity of the country and people committed to his management. His zeal in such cases far outstripped the tardy acquiescence or disapproval of the authorities at home; so that his plans were sometimes carried into full operation long before he could receive any kind of answer to what he submitted. But this has been the case in all the great and important events and transactions in our Indian empire. The Court of Directors have complained, but taken no effectual steps to remedy the

the evil—if it be one, of which, considering the superior knowledge of their servants, and the necessity of acting on that knowledge, we are by no means convinced. The delay in receiving communications, on account of the distance—the delay of the directors in coming to a decision—that arising from the consultations with the Board of Control—the necessity of this Board obtaining the sanction of the cabinet—and the difficulty, at certain periods of the year, of assembling a cabinet—and, after all this, the long passage out to India—these delays might render the suspension of a measure dangerous to the safety of the country.*

We cannot but rejoice that Lady Raffles has been able to collect and publish, from the wreck of her deceased husband's papers, a 'Memoir' that redounds so greatly to his fame and honour. His meritorious conduct and services, as therein exemplified, cannot fail to operate forcibly on the minds of those placed in similar situations, and induce them, while pursuing their exertions for the good of the public service, not to lose sight of the welfare and happiness of the millions entrusted to their charge; while his successful career, from a very humble to a high station in life, holds out an example to friendless young men like himself, how much may be gained by a steady and zealous attention to their respective duties, by devoting their leisure hours to the acquirement of useful knowledge, and by so conducting themselves in the various relations and situations of life, as to attract the notice and merit the approbation of their employers. How many generous minds are likely to be stimulated and sustained by the contemplation of such a career as is here depicted! We must add, that it is, indeed, a proud thing for the much-calumniated East India Company, that two such books as this and the Life of Sir Thomas Munro should come out at the same time. Raffles had, in some instances, not a little to complain of; but, on the whole, nobler encouragement was certainly never held out to zeal and talent than in that service.

Thomas Stamford Raffles was born at sea on the 5th of July, 1781. He was the only surviving son of Benjamin Raffles, one

* The time, probably, is not very distant, when a more speedy communication with India will become essentially necessary. When steam-packets are established, as we believe is intended, to carry the public mails to Malta, the East India Company may take up the conveyance from that island to Egypt, across the Desert to Suez, down the Red Sea, and thence to Bombay, Madras, and Calcutta. From Falmouth to Bombay, at five or six miles per hour, (exclusive of stoppages,) the time would not exceed forty-eight days; at seven miles an hour, thirty-eight days. To Madras, at five or six miles, fifty-five days; at seven miles an hour, forty-four days. To Calcutta, at five or six miles an hour, sixty-two days; at seven miles an hour, forty-eight days. From Falmouth to Latakia or Iskanderoon, by Aleppo to the Euphrates and the Persian Gulph, the time would be pretty much the same, but less certain, on account of the half-savage Arabs between Aleppo and the river.

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of the oldest captains in the West India trade out of the port of London. His paternal grandfather held a situation in the Prerogative Office, Doctors' Commons; but little beyond this is known of his family. In his childhood and in early youth, he is said to have displayed a thoughtfulness and a closeness of application above his years. The chief part of the education he received was at an academy at Hammersmith, from whence, at the early age of fourteen, he was removed to the situation of an extra clerk in the East India House. Many years after this, he thus writes to his cousin, the Rev. Dr. Raffles :

'The deficiency of my early education has never been fully supplied; and I have never ceased to deplore the necessity which withdrew me so early from school. I had hardly been two years at a boarding-school, when I was withdrawn, and forced to enter on the busy scenes of public life, then a mere boy. My leisure hours, however, still continued to be devoted to favourite studies; and with the little aid my allowances afforded, I contrived to make myself master of the French language, and to prosecute inquiries into some of the branches of literature and science; this was, however, in stolen moments, either before the office hours in the morning, or after them in the evening. I look back to these days of difficulty and application with some degree of pleasure. I feel that I did all that I could, and I have nothing to reproach myself with.

'This statement will account for my deficiencies in education: all I ever presumed to consider myself was—a lover and admirer of all that I could reach in literature and science. The varied, important, and incessant duties of my public life have always deprived me of that calm and retirement which I have desired, and to which alone I look as the ultimate end of my ambition on earth. To qualify myself for the enjoyment of such a state, I omit no opportunity. The high stations which I have held have enabled me to foster and encourage the pursuits of others; and if I have any merit, it has rather been as the patron of science, than in any other capacity.'—pp. 2, 3.

Chained down to the desk at the above-mentioned early age, and doomed, as it then appeared, to obscurity and drudgery—without friends to aid him, and without the hope of promotion—the natural bias of his mind, and the talents which he must have been conscious of possessing, had but little scope. His attention to the dull routine of copying was, however, most patient and unremitting; he worked early and late, and, by his extra labour, earned a small addition to his salary. His parents were in difficulties, and all his little gains were carried home for their relief. 'His affection to his mother,' says Lady Raffles, 'was always one of the strongest feelings of his heart. At this time, with that self-denying devotion to the happiness of others, which was his distinguishing quality through life, he deprived himself of every indulgence, that he

he might devote to her his hard-earned pittance; and in after days of comparative affluence, he delighted in surrounding her with every comfort.'

His youth appears to have been strongly characterized by innocence and simplicity. Lady Raffles observes, that—

'as a school-boy, his garden was his delight: to this was added a love of animals which was perhaps unequalled. It has been observed, that it is one of the characteristic properties of a great mind, that it can contract as well as dilate itself; and the mind which cannot do both, is not great in its full extent: this observation was forcibly realised in him; he spent hours in fondling and domesticating those objects of his care and attention. He entered with the most child-like simplicity into occupations and pleasures which many would consider beneath their notice. A mountain scene would bring tears into his eyes; a flower would call forth a burst of favourite poetry; it was perhaps peculiar to himself to be able to remark, on his last return to England, that he had never seen a horse-race, never fired a gun.'—p. 4.

Mr. Raffles possessed through life an extraordinary facility of acquiring languages, and the 'further East' afforded him abundant scope for the exercise of this talent. His studies at home were desultory; but he was always acquiring something which he had the happy faculty of retaining in his memory. His abilities were taken notice of in the office, and mentioned to those who had the power to reward them; and, on a vacancy occurring, he was put upon the establishment, over the heads of several others. In 1805, the Court of Directors determined to form an establishment on Penang, or Prince of Wales's Island. India was the field for which the ambition of Raffles most panted; and Mr. Ramsay, the secretary, aware of his peculiar fitness for that sphere, recommended him to the notice of that excellent man, the late Sir Hugh Inglis, who gave him the appointment of assistant secretary to the new government, and ever afterwards watched his progress with an almost paternal interest.

In September, 1805, Mr. Raffles arrived at Penang. The progress he had made in the Malay language, on the passage, gave him an immediate and decided advantage over the rest of the establishment. By intense application, he speedily acquired a general knowledge of the history, government, and local interests of the neighbouring states and islands. 'He conversed,' says Captain Travers, 'freely with the natives, who were constantly visiting Penang, many of whom were found to be sensible, intelligent men, and greatly pleased to find a person holding Mr. Raffles's situation, able and anxious to converse with them in their own language.' On the elevation, in 1806, of Mr. Pearson to the council, he was appointed secretary; and, about the same time, registrar to the new court of judicature. But the fatigue

and responsibility of organizing a new government, in a climate which, in a very short period, proved fatal to two governors, the whole of the council, and many of the new settlers, brought on an alarming illness, which made it advisable he should proceed to Malacca for the recovery of his health. Here he had an opportunity of observing, and mingling with, the varied population congregated from all parts of the archipelago, and from the more distant countries of Asia—from Java, Amboyna, Celebes, the Moluccas, Borneo, Papua, China, Cochin-China, &c.; and the knowledge he obtained from these strangers of the nature and extent of their several resources, of their trade, their customs, manners, and feelings, became of infinite service to him in the high and responsible situations he was shortly destined to fill.

Happy for Malacca that this visit was made! Orders had been issued for demolishing the fortifications, and destroying the public buildings, with the view of deterring Europeans from establishing themselves there, and of transferring the trade and population to Penang. This Dutch kind of policy accorded so ill with Raffles's feeling, that he made a strong remonstrance against so cruel a proceeding. He represented that the population far exceeded twenty thousand souls—Dutch, Portuguese, and their half-caste, Chinese, Arabs, Javanese, &c.; of whom more than three-fourths were born in Malacca, where their families had been settled for centuries. Here they felt they were at home; their peculiarities were attended to, their rank respected, and their wants supplied. Many were proprietors of the soil, or attached to those who were so: their gardens produced pepper, vegetables, and all kinds of fruit in abundance; and from these and the fisheries they derived comfort and independence. That they were strongly bound to the soil was proved by their not accepting the offers made of a free passage to Penang, in one single instance. On these representations, the orders were countermanded, and the government thus escaped a heavy and needless load of obloquy and indignation.

Shortly after his arrival at Penang, Mr. Raffles made an acquaintance with that extraordinary young man, the late Dr. Leyden, on whose return to Calcutta, where he was established in the household of Lord Minto, a correspondence ensued on Malayan language and literature, and other subjects connected with the eastern archipelago. The letters of Raffles were shown to the Governor-General, who was so much pleased with the talent and intelligence they displayed, that he commissioned Leyden to say to his friend, that he should be gratified in receiving directly from himself any communications respecting the eastern parts of the Indian seas. This led to a regular correspondence;

spondence; and so satisfied was his lordship of the superior knowledge possessed by Raffles, that he hinted at placing him in the government of the Moluccas, which, in the year 1810, had fallen into our hands. This suggestion determined Mr. Raffles to proceed to Calcutta, where he was received with great kindness and marked attention by Lord Minto, who, from this moment, appears to have reposed in him the most unreserved confidence. About this time, the annexation of Holland to France had placed at the disposal of Buonaparte all the valuable and extensive possessions of the Dutch in the eastern seas, of which Java was the great central point, and from which operations were likely to be most successfully directed against the political ascendancy and the commercial interests of England. 'I at once,' says Raffles, in a letter to his cousin, 'drew his lordship's attention to Java, by observing, that there were other islands worthy of his consideration besides the Moluccas—Java, for instance. On the mention of Java, his lordship cast a look of such scrutiny, anticipation, and kindness upon me, as I shall never forget. "Yes," said he, "Java is an interesting island: I shall be happy to receive any information you can give me concerning it."' This was quite enough,—the information had already been collected,—and the result was, his lordship's determination to undertake, without delay, and on his own responsibility, the reduction of Java and its dependencies. Mr. Raffles was despatched, forthwith, to Malacca, in the capacity of agent to the Governor-General. Here he was instructed to prepare the necessary arrangements; to open communications with the several native chieftains of the archipelago, with the view of obtaining information as to their feelings with regard to the Dutch; and to facilitate the extension of the British influence in the eastern seas.

On the 9th of May, Lord Minto arrived at Malacca, when Mr. Raffles put into his hands a minute of all the information he had collected, and which is certainly one of the most wonderful specimens of what assiduity, energy, and talent are capable of accomplishing. It occupies nearly sixty pages of the 'Memoir,' is full of information respecting every part of the archipelago, and takes a most statesmanlike view of the whole subject. A difficulty had been started as to the choice of a passage for the expedition among the islands and through the narrow straits. The alternative of two routes presented itself: the direct route along the south-west coast of Borneo, which was represented as very difficult and uncertain, if not altogether impracticable; the other round the north and east coasts of Borneo, and through the straits of Macassar, which, though considered practicable, was stated to

be imminently dangerous, as well as tedious. But Raffles had solved the problem; he had sent a vessel to examine the supposed difficulties, and to perform the passage; he, therefore, stated boldly, that 'he did not hesitate to stake his reputation on the success which would attend the expedition, if the route he pointed out should be followed.' The naval authorities were all opposed to the attempt of a new passage with so many transports; but Lord Minto, in full confidence in the judgment of Raffles, embarked with him in his Majesty's ship Modeste, commanded by his own son; and, in less than six weeks after quitting Malacca, the fleet, consisting of upwards of ninety sail, was in sight of Batavia, without accident to a single vessel. Lord Minto observes—'If I had yielded to the predicted difficulties of the passage, the expedition must have been abandoned for the present year.'

The result of this expedition is well known. On the reduction of this grand island, or, as Lord Minto announces it to the authorities at home, 'an empire, which, for two centuries, had contributed greatly to the power, prosperity, and grandeur of one of the principal and most respected states in Europe,'—its government though partly pledged to another, Lord Minto declared 'he could not conscientiously withhold from him who had won it;' and therefore, 'as an acknowledgment of the services he had rendered, and in consideration of his peculiar fitness for the office,' his lordship performed a noble act of justice, equally honourable to the giver and receiver, by immediately appointing Mr. Raffles to the situation, under the title of 'Lieutenant-Governor of Java and its Dependencies.'

Lady Raffles observes,—

'An event occurred at this time to interrupt the satisfaction, and humble the heart that might have been too much elated at the success which had crowned the expedition. Dr. Leyden was seized with a fever a few days after he reached those shores, on which he hoped to *slake his ardent thirst for knowledge*, and expired in the arms of his friend. This loss was deeply mourned by Mr. Raffles, who had anticipated the happiness of having, as an inmate of his family, one with whom he could take counsel both in public and private; whose judgment would aid, whose affection would cheer, and whose society would brighten the care and troubles of the responsible situation he was about to undertake.'—p. 97.

We are now to contemplate the young extra clerk of the India house in his capacity of governor over some five or six millions of people. His first care was, to ascertain the quantity and quality of the materials he had to work upon. For this purpose, he sent English residents to the native courts, to institute statistical inquiries in every district; to cause a survey to be made of the

the whole island; to obtain detailed information of the lands attached to each village, and the tenure by which they were held; to discontinue many expensive and useless establishments; to reform the departments of revenue, commerce, and judicature; and, in short, to collect such a body of materials as might enable him to carry into effect that thorough change of a vicious system, which he considered indispensable, no less for the interests and honour of the British government, than for the happiness and prosperity of the island itself. It is highly creditable to the skill and judgment of Mr. Raffles, that, in totally subverting the establishments, by means of the very persons who had fattened on the abuses which beset them all, he seems to have incurred no personal animosities. So judiciously, indeed, was the change introduced, that not a single individual, high or low, felt aggrieved by it; the native population—chiefs, subordinates, and people—with one accord hailed the new order of things as a boon conferred upon them by British philanthropy; and entered on the enjoyment of its advantages with confidence and increased industry. 'His mild, conciliatory, and unassuming manners,' says Captain Travers, 'obtained for him the respect and confidence of the Dutch; whilst the natives, who had been led to form the highest possible opinion of his character, looked with anxious hope for that amelioration in their condition which they afterwards experienced, and which will make his memory adored on the island of Java for ages to come.' We will go further, and say, that so oppressive, unjust, and tyrannical has the conduct of the Dutch been towards the Javanese, since the restoration of the island, that if, at any future period, hostilities should unfortunately be resorted to against that nation, the first English man-of-war that shows her colours before Batavia or Suribaya, will be the signal for a general rising of the natives to drive out their oppressors.

It should be observed, that the British government succeeded to Java at a moment of the greatest public distress, when the Dutch had been unable to pay even their lowest establishments, when the funds of the public charities had been appropriated to the necessities of the state, and the finances of the colony were in a condition of bankruptcy. A depreciated paper currency inundated the whole island. The revenues were paid in this paper that could not be re-issued. There was therefore no option left but to withdraw this paper from circulation, and the only means of doing so was by the sale of the public lands, which Lord Minto approved of, as an *able expedient* in a case of *great emergency*; though the directors of the East India Company thought fit to disapprove it. The change of system was, however, universally felt as a blessing by the people of Java. '"If

'"If I look forward," observes Mr. Raffles, "to its effects as it may contribute to the happiness of the people, the improvement of the country, and the consequent increase of the public revenue; the result is incalculable. Let the present wretched state of the Dutch metropolis of the East be contrasted with the flourishing state of the British establishments, wherever they have been formed, and it will speak a volume in favour of the change. Desolation and ruin would seem to have tracked the steps of the Dutch power wherever it has extended; individual prosperity and national riches have accumulated under the English. The principles of their governments are radically different, and with such experience before us, can it be a question on which side we shall rely?

"The mass of the population, snatched as they are, at a favourable moment, from the destructive grasp of Mahomedan despotism and indefinite exaction, and established in the possession of property, to be secured by impartial justice, administered to them in a simple and prompt mode, adapted to their peculiar sentiments and institutions, afford a wide scope to the philosopher as well as to the statesman. A new people, still advancing in civilization even under the former restraints, with what accelerated progress will they not proceed, when their natural energies have fair play?"'—pp. 220, 221.

The measures which Mr. Raffles carried into effect were, extensive revenue and judicial arrangements; reforms of the courts of justice, and the establishment of a magistracy; the institution of trial by jury, and of laws for the abolition of slavery; the prosecution of statistical surveys, by a committee; the establishment of a Benevolent Society, and of schools for the natives;—the revival of the Batavian Society, and the holding out of great encouragement for researches and making collections of natural history. But that which raised the condition of the great agricultural population, was the abolition of forced deliveries of produce, and conferring the privilege of bringing it to a free and open market. By these judicious measures, the revenue, 'which at no time under the Dutch exceeded four millions of rupees, was not less, in the year he left it, than thirty millions.' Mr. Raffles appears, from the first moment, to have been anxious to abolish that dreadful scourge, slavery, throughout the Dutch possessions, and he had the satisfaction to find that the leading inhabitants expressed their concurrence in his views; but the Bengal authorities refused their sanction, under the plea of its not being known whether the government was permanently to be administered by the king, or by the company. When it was proposed that all the slaves on the island should be registered, a native chief, the Penambahan of Samunap, proudly declared, 'I will not register my slaves; hitherto they have been kept such, because it was the custom, and the Dutch liked to be attended by slaves, when we visited the palace;

palace; but as that is not the case with the English, they shall cease to be slaves; for long have I felt shame, and my blood has run cold when I reflected on what I once saw at Batavia and Samarang, where human beings were exposed for public sale, placed on a table, and examined like sheep and oxen.' When Raffles mentioned this noble trait to Mr. Wilberforce, on his first return to England, he was commissioned to carry out a seal, to be presented to this chief, as an acknowledgment of his liberal act; and the latter, in return, requested Mr. Wilberforce's acceptance of a handsome crees.

The blessings which Mr. Raffles had conferred on the inhabitants of Java were not attained without difficulties, and the occasional occurrence of events of a disagreeable nature. The public tranquillity was speedily disturbed by some of the native powers of Java, particularly the Sultan of Djojocarta, who vainly imagined he could succeed in driving the Europeans from the island; but Raffles was aware of the confederacy he was endeavouring to establish; and by a force, under Colonel Gillespie, crushed the whole of the malcontents in detail. The proceedings of the sultan of Palembang, a dependency situated in the island of Sumatra, next required his prompt attention. A commission being sent to this sultan, to have the right of British dominion acknowledged, he not only disdainfully refused to hear of such a claim, but formed the diabolical plan of murdering the commissioners, and all the Dutch inhabitants of the place. Such atrocities determined Mr. Raffles to take immediate and decisive measures; and for this purpose, Colonel Gillespie was sent, with a commanding force; but bad weather, and the currents of the river, retarded his progress. As he proceeded, intelligence was brought that the sultan had fled, —that confusion, plunder, and murder prevailed, not only within the interior of the fort and palace, but in many parts of the city; and that a massacre, by the sultan's adherents, was meditated the very next night, on the wealthy Chinese and other inhabitants, whose property was to become the prize of the assassins. Gillespie, on hearing this, proceeded, with the Arab chief who had brought the intelligence, in his canoe, accompanied only by Capt. Meares and a Spanish gentleman; in it and another small canoe were distributed seven grenadiers of the 59th regiment, and they were followed by two men of war's boats.

'The canoes, in one of which the colonel was, had gained much on the other two boats, and were now completely out of sight, when the report of a signal-gun, fired by the enemy, not a little alarmed them, and increased the anxiety for the rest of the party; the more so, as every thing around tended to excite suspicion of some treacherous design being in agitation. A dreadful yell, and shrieking in all directions,

tions, was next heard, and lights and conflagrations were seen throughout the whole extent of this large tract of population, which stretched along both banks of the river for upwards of seven miles. By the redoubled exertions of the crews, the boats in the rear were soon brought up to the support of the little band, and thus happily formed in time an important junction.

'To paint the horrors of the scene that presented itself in their true colours, or to attempt an expression of the sensations it was calculated to excite, would be a difficult task; and the undaunted act which gained the possession of the fort, the palace, and its batteries, may be credited, when the name of the leader is recollected. Undismayed in the face of numerous bodies of armed men, Colonel Gillespie boldly stepped on shore, at eight o'clock at night, and with those who had accompanied him in the canoe, and the seven grenadiers, he marched, with a firm step, through a multitude of Arabs and treacherous Malays, whose missile weapons, steeped in poison, glimmered by the light of torches.

'Huge battlements, with immense gates, leading from one area to another, presented the frightful spectacle of human blood still reeking and flowing on the pavement. The massive gates closed upon the rear, and the blood-stained court-yards through which the party were conducted, appeared as if they were the passage to a slaughter-house.

'A Malay, who had pressed through the crowd, approached the colonel, and was walking by his side, when a large double-edged knife was secretly put into his hands by one of his countrymen. It was a dark stormy night, and a ray of lightning, at the very instant when the man was pushing the knife up his long loose sleeve to conceal it, discovered the weapon. The colonel's eye caught the object, and instantly turning round, he had the fellow seized, totally regardless of the crowd: thus fortunately frustrating, by his firmness, the murderous design. The weapon was found as described; but the man contrived to steal away in the crowd, and escaped.

'The palace exhibited a melancholy picture of devastation and cruelty. Murder had been succeeded by rapine; and while the place was completely ransacked, the pavements and floors were clotted with blood. In every direction, spectacles of woe caught the sight, and were rendered peculiarly awful by the glare of the surrounding conflagration, accompanied by vivid flashes of lightning, and loud peals of thunder.

'The flames, which continued to spread destruction, notwithstanding the rain that poured down in torrents, had reached the outer buildings of the palace, and threatened the part where the colonel, with his party, had taken up their temporary abode. The cracking of bamboos, resembling the discharge of musketry; the tumbling in of burning roofs with a tremendous crash; the near approach of the fire, in the midst of an immense hostile multitude and assassins; altogether gave to their situation a most appalling prospect.

'The little band, consisting only of seventeen British grenadiers, with

with the officers naval and military already mentioned, and a few seamen belonging to the gig and barge, had to secure possession of the fort, and to provide for their safety, in the determined resolution of selling their lives dearly, should any attack be made before the arrival of reinforcements. Having carefully reconnoitred, by the light of torches, the interior of the palace court, and ordered all the entrances, except one, to be shut and barricadoed, Colonel Gillespie stationed the grenadiers at the principal entrance, and the strictest guard was kept up. Soon after midnight, they had the satisfaction of hailing the welcome arrival of Major Trench, with about sixty men of the 89th regiment; and the remaining part of the ordered advance, under Lieutenant-Colonel M'Leod, joined the little garrison early the next morning.

'Thus an act of daring enterprise, conceived with judgment and executed with intrepidity, gained possession of the fort and batteries defended by two hundred and forty-two pieces of cannon, without the loss of a man. This formidable position could not have been carried under any other circumstances of attack, but by the sacrifice of many lives, and by hazarding altogether the safety of the little armament.'—p. 116—118.

Alluding to the previous massacre, Colonel Gillespie observes, in his report to the Lieutenant-Governor, that 'the unwary and confiding Dutchmen, unsuspicious of evil intentions, were speedily surrounded, without the hope of escape; the guns were all seized by parties on the ramparts, and the unfortunate garrison were dragged to a scene of cold-blooded cruelty, which can never be contemplated but with sentiments of horror and abhorrence.'

'There was one European woman among the unhappy victims thus sacrificed by the sultan. She was embarked on the boats, and after suffering every violence and pollution her abandoned murderers were capable of offering her, she was inhumanly butchered, and thrown into the river, with the rest of the garrison. The remaining women were sent as slaves up the country, and the relation of distress, starvation, and misery they encountered in their bondage, is calculated to excite such sentiments of horror and indignation against the whole race, that at times I can with difficulty hold intercourse with people allied to such monsters of barbarity. There was no punishment too severe, no persecution too considerable, no degradation too humiliating for these unhappy women. The Resident's wife was pregnant at the time of her seizure, and although I should consider few men capable of refusing pity and assistance to women thus situated, they were unmindful of her claims to compassion, and they left her in the jungle, without nourishment, support, or shelter.'—pp. 120, 121.

On deposing the monster who had fled, the brother was placed on the throne, to the great joy and satisfaction of the people. Yet, incredible as it may seem, the Dutch had no sooner resumed possession of Batavia, than they rejected our treaty made with the

the new Sultan, commenced machinations against him, seized and sent him a prisoner to Batavia, recalled the old villain who had so inhumanly butchered their own countrymen, and replaced him on the throne, in consideration of the payment of four hundred thousand dollars! But the whole conduct of the Dutch in the east was marked with the deepest ingratitude to this country, from the moment their possessions in the archipelago were restored to them. Whether it was from ignorance, or a superabundance of generosity on the part of England, or for their services in the last war, which were no other, that we are aware of, than drawling out 'Oranjie boven' at the eleventh hour, that we not only showered upon them those territories which they once held, but allowed them to usurp others they had no right to—it were useless now to inquire. On this point Mr. Raffles says,

'The instructions to Lord Minto, which authorized the conquest, directed, that after dismantling the fortifications, the country should be given up in independence to the native chiefs. Holland at that time did not exist as a nation, and the prospect of transferring Java to France was not to be contemplated. The humane and benevolent mind of Lord Minto revolted at the idea of suddenly transferring back to the natives a colony which had been in possession of the European authority for two centuries. If such a policy were to be pursued, he conceived that it ought to be gradual; and while he took upon himself the responsibility of suspending, pending the reference to Europe, the rigid enforcement of the orders he had received, he did not hesitate to say that he had done so, and publicly to assure the natives that they would, in the meantime, be allowed every degree of rational liberty and independence consistent with the safety of the provisional government he had established. On this principle was my government regulated; and you may judge with what surprise we received a copy of the convention for the unconditional transfer of the country to the Dutch, *as the first and only communication from Europe*. The Dutch no sooner obtained possession, than it became an object with them to lower the character of the British provisional administration, to displace those in whom we had confidence, and to obliterate, as far as possible, all recollection of our rule. Of this I do not complain; if our ministers, in the zenith of their magnanimity, chose to sacrifice the interests of five millions of people, and to cast them aside without notice or remembrance, it was not, perhaps, to be expected from the Dutch that they should be very nice. Gratitude is not among the list of national virtues; it is, perhaps, inconsistent with them; at least it is at variance with national pride and vanity. I am willing to leave the Dutch to the full enjoyment of all the improvements they are inclined to make in Java and the Moluccas; to give them the full advantage of all they can fairly claim, and to put up patiently with all the ingratitude, rivalry, and even hostility, that is naturally to be expected; but I wish them to be confined to their proper

proper ground. I wish them to leave us in possession of the advantages of that trade which we enjoyed in the year 1803, previous to the last war. Not satisfied, however, with the possession of those places which, at that date, were occupied by the European power, we find them grasping at the sovereignty of the whole of the Archipelago, taking a mean advantage of our generosity and forbearance; and, profiting by the reduction of our naval establishment, they have sent out to Batavia a force, both military and naval, of an alarming extent. The European troops in Java alone exceed 10,000 men, besides what are at the Moluccas and other out-stations. A large colonial army is raised; while a navy, consisting at present of one ninety-gun ship, one seventy-four, three frigates, eight corvettes, and innumerable smaller vessels, manned with upwards of 1,700 Europeans, strikes terror through all the adjacent countries.'—pp. 390, 391.

The instructions to Lord Minto, which, previously to the capture, he communicated in confidence to Mr. Raffles, were, 'the expulsion or reduction of the Dutch power, the destruction of their fortifications, the distribution of their arms and stores to the natives, and the evacuation of the island by our own troops.' But his Lordship adds, in a spirit of philanthropy which is honourable to his memory, 'I conclude, however, that the destructive and calamitous consequences of this plan to so ancient and populous an European colony, the property and lives of which must have fallen a sacrifice to the vindictive sway of the Malay [Javanese, who are not Malay] chiefs, if transferred suddenly and defenceless to their dominion, have not been fully contemplated; and I have already stated my reasons for considering a modification of their orders as indispensable.'

Unjustifiable it certainly would have been to pursue this line of conduct, on the conquest of the island, and leave the European settlers to the mercy of a race whom they had injured and exasperated; but we cannot but consider that, instead of surrendering six millions of people to the iniquitous tyranny of the Dutch, after giving them liberty and freedom of trade, and improved their morals and condition, we should have better served the interests of humanity at the conclusion of the war, by removing the Dutch population altogether, or such as might choose it, destroying all the fortifications, and leaving the island to be governed by the native princes, than by surrendering it to a power who had not the sense to follow up the system that had been proved to work so well. And what has been the result?—their line-of-battle ships, frigates, and corvettes, with their ten thousand men, have long since disappeared, and many thousands more, both Europeans and natives, have been swept from the face of the earth. To Holland, we suspect, the gross mismanagement of Java has proved

proved a loss of blood and treasure far beyond any profit she can ever hope to derive from the possession of this beautiful island.

Lord Minto had foreseen that the island of Java was likely to be given up, and, anxious to secure to Mr. Raffles an honourable retreat, appointed him provisionally to the residency of Fort Marlborough, in Bencoolen, if Java should pass into other hands, notwithstanding the orders he had received to place a civil servant of the Bengal establishment in that office. When the time appointed for surrendering the island to the Dutch arrived, Mr. Fendall was appointed to make the transfer. Mr. Raffles, before he took leave, made a strong appeal in behalf of those for whose welfare he had so anxiously laboured; but this was not attended to, and the island was transferred without one stipulation in favour of the natives. The events that have followed afford a melancholy comment on the sinfulness of this omission, though some may doubt whether any conditions would have been observed by persons so little regardful of good faith. To show the absurdity of the conclusion come to by the Court of Directors, that the alienation of the lands had alienated the affections of the people, we have only to glance at the circumstances under which Mr. Raffles took his final leave of Batavia. When it became generally known that he was obliged to proceed to England, as the only hope of preserving his life, the European and native inhabitants united in expressing their deep regret at his departure, and in acknowledging, in the warmest terms, their gratitude for the benefits which he had conferred upon them during his administration. A magnificent service of plate was given to him, and

'On the morning of his embarkation, the Roads of Batavia were filled with boats, crowded with people of various nations, all anxious to pay the last tribute of respect within their power to one for whom they entertained the most lively affection. On reaching the vessel, he found the decks filled with offerings of every description—fruits, flowers, poultry, whatever they thought would promote his comfort on the voyage. It is impossible to describe the scene which took place when the order was given to weigh the anchor; the people felt that they had lost the greatest friend whom Java ever possessed; and perhaps they anticipated, as too near, their re-delivery to the Dutch power, and the consequently too probable revival of the scenes of misgovernment, from which, under the administration of Mr. Raffles, they had been relieved for five years, and ought to have been relieved for ever.'—p. 272.

On his arrival in England, Mr. Raffles soon discovered that much ignorance prevailed, where it ought not, as to the value of Java and the Dutch possessions, which determined him to write the history of

of that splendid island, a work full of information, which he completed, with his usual rapidity, in a few months. In the early part of 1817, he married Sophia, daughter of T. W. Hull, Esq., of the county of Down, an amiable and accomplished lady, the editor of the present Memoir. About this time he was presented to His Majesty, then Prince Regent, and received the honour of knighthood. During the fifteen months he remained in England, Sir Stamford Raffles, by his affable manners and superior intelligence, made a host of friends, and was a welcome guest in the very best society; among others, he became acquainted with the late Princess Charlotte and Prince Leopold, who honoured him with proofs of sincere regard; and on his taking leave, on returning to India, the Princess bestowed on him a ring, as a mark of her esteem. It deserves to be mentioned, as an instance of that active benevolence for which his character was distinguished, that, before his departure for his new government of Fort Marlborough, Sir Stamford resolved to proceed to Holland, to demand an audience of the king of the Netherlands, to lay before him some representations in behalf of the native inhabitants of Java, and some of the Dutch whom he conceived to have claims on his attention. The king, whose personal character all who know anything of it must venerate, received him with marked civility, and invited him to dine with him; but he found, that though the leading ministers seemed to mean well, 'they had too great a hankering after profit, and *immediate* profit, for any liberal system to thrive under them.' The king himself promised that the new system should be continued, but kings are not always permitted to make good their promises.

In October, 1817, Sir Stamford with his family embarked for Sumatra, the Court of Directors having conferred on him the title of 'Lieutenant-Governor of Bencoolen.' On his arrival at Bencoolen, he thus writes to his friend, Mr. Marsden:

'This is, without exception, the most wretched place I ever beheld. I cannot convey to you an adequate idea of the state of ruin and dilapidation which surrounds me. What with natural impediments, bad government, and the awful visitations of Providence which we have recently experienced, in repeated earthquakes, we have scarcely a dwelling in which to lay our heads, or wherewithal to satisfy the cravings of nature. The roads are impassable; the highways in the town overrun with rank grass; the government-house a den of ravenous dogs and polecats. The natives say that Bencoolen is now a *tána mati* (dead land). In truth, I could never have conceived any thing half so bad. We will try and make it better; and if I am well supported from home, the west coast may yet be turned to account. You must, however, be prepared for the abolition of slavery; the emancipation of the country people from the forced cultivation of pepper;

pepper; the discontinuance of the gaming and cock-fighting farms; and a thousand other practices equally disgraceful and repugnant to the British character and government. A complete and thorough reform is indispensable, and reductions must be made throughout.'—p. 293.

To this miserable establishment he found from two to three hundred slaves attached, the children of African negroes originally purchased by the East India Company; and he was assured they were much happier than free men. He soon discovered, however, that they were a most dissolute and depraved set of beings. The following extract is from his letter to the Court of Directors:

'It has been but too common an opinion, and, I regret to say, the authorities which sanction it are most respectable, that the Malayan character is too despicable to be entrusted with personal freedom, and that the degree of restraint exercised over them on this coast is not only wholesome, but necessary. That indolence and vice prevail among the Malays on this coast, and to a considerable extent, I am not prepared to deny; but I apprehend they are rather to be attributed to the effects of the system hitherto prescribed, than to any original defect of character.

'My own experience of twelve years, in different parts of the Archipelago, enables me to assert that there is no radical defect in the character of the common people, however bad their Mahomedan government may be. They are alive to the same incentives, have the same feelings, and, if once allowed, would as rapidly advance in civilization as their fellow-men; once relieved from the oppression and disabilities under which they labour, and placed under an honourable protection, there would be no want of energy or enterprise; the temptations to vice by which they are surrounded, once removed, they would be amiable and trustworthy. Of some of the oppressions and disabilities under which they labour, I have already spoken; of the temptations to vice by which they are surrounded, I need only observe, that the principal local revenues of government, both at Bencoolen and at the different residencies, are in the gaming and cock-fighting farms. Of the first, I shall not at present speak, as it is connected with the revenues of Bengal; but of the latter, which are entirely local, it is incumbent on me, as chief magistrate, to point out, that the continuance of the farms is destructive of every principle of good government, of social order, and the morals of the people.

'The forced services, and forced deliveries at inadequate rates, must be abolished. The labourer must be allowed to cultivate pepper or not, at pleasure, and such radical changes made throughout, as will enable the people to distinguish the political influence of the British government from the commercial speculations of the Company and their agents. I am aware that the task is difficult, if not invidious; but under the confidence placed in me, and having at heart the honour and

and character of the nation, and of the East India Company, I shall not hesitate to undertake it.

'My first public act must be the emancipation of the unfortunate Caffre slaves: when I have done this, and abolished the gaming and cock-fighting farms, I may, with some conscience, call upon the chiefs to assist me in the general work of reform, amelioration, and improvement.'—pp. 297, 298.

Too zealous to carry into effect the reform he contemplated, without waiting orders from home, which would occasion the loss of a year, and conscious that no improvement could take place until he had cleared away the rubbish at Fort Marlborough, he commenced at once by liberating all the slaves. He then classified about five hundred convicts, which had been sent hither from Bengal, into three divisions, according to their character; and he states that, in a very short time, 'a large body of people, who had been living in the lowest state of degradation, became useful labourers, and happy members of society.' He next assembled the native chiefs, and, finding them reasonable on all points connected with their privileges, he made with them a provisional treaty, by which, 1st, All former treaties were annulled; 2nd, It was provided, that in the name of the Company he should administer the government of the country according to equity, justice, and good policy; and 3d, That the cultivation of pepper should be declared free, the people being at liberty to cultivate that article or not, as they might think fit. They were particularly anxious, however, to be freed from the disgrace which had been attached to their character, by a prohibition against wearing their crees, according to an ancient custom of the country, which Sir Stamford immediately and without hesitation granted. The prohibition had originated in the murder of Mr. Parr, in 1801, who, as governor, had made himself obnoxious, by endeavouring to force upon the people the culture of coffee in addition to that of pepper; besides which, an arbitrary interference with the native courts of justice, without the concurrence or advice of the chiefs, had excited their fears for their ancient customs and institutions. The measures taken on this catastrophe were highly impolitic: several of the natives were blown from the mouths of guns; an order was issued to burn and destroy every village within a certain distance, and the work of devastation was carried on, as if the future security of the settlement depended on surrounding it with a desert. 'The fruit-trees, venerable by their age, that surround a Malay village, are the protecting deities of the place, and are regarded with reverence; their destruction is looked upon as little less than sacrilege—yet the axe was laid to their roots; and whatever could afford shelter or protection was levelled with the ground,

ground, and the whole population of the suspected villages turned loose upon the country.'

On Sir Stamford's first arrival, no one thought of living out of the settlement, and no servant could be induced to venture three miles after sunset, such was the desolate state of the country by which Fort Marlborough was surrounded. Sir Stamford conceived the best way to repeople the country was, to set them an example, by building a house twelve miles out of the town. In a letter to the late Duchess of Somerset, he says—

'I ascended the first range of hills, and, having taken up a position on the Hill of Mists (Bukit Kabut), which commands a most extensive view of the surrounding country, and on which no European had before set foot, I determined to make it our country residence, and accordingly gave orders for clearing the forest, &c. In this I have already made considerable progress, a comfortable cottage is erected, and, as far as we can yet judge, the thermometer is at least six degrees lower than at Bencoolen. The only inconvenience will arise from the tigers and elephants, which abound in the vicinity; one of the villagers told me, that his father and grandfather were carried off by tigers, and there is scarcely a family that has not lost some of its members by them. In many parts, the people would seem to have resigned the empire to these animals, taking but few precautions against them, and regarding them as sacred; they believe in transmigration, and call them their *nene* or grandfather. On the banks of one of the rivers of this coast upwards of a hundred people were carried off by tigers during the last year. When a tiger enters a village, the foolish people frequently prepare rice and fruits, and placing them at the entrance as an offering to the animal, conceive that, by giving him this hospitable reception, he will be pleased with their attention, and pass on, without doing them harm. They do the same on the approach of the small-pox, and thus endeavour to lay the evil spirit by kind and hospitable treatment. I am doing all I can to resume the empire of man; and, having made open war against the whole race of wild and ferocious animals, I hope we shall be able to reside on the Hill of Mists without danger from their attacks.'—p. 314.

Lady Raffles had an instance of these superstitious fears of the natives, on a journey into the interior.

'The coolies, in passing through the forest, came upon a tiger, crouched on the path; they immediately stopped, and addressed him in terms of supplication, assuring him they were poor people, carrying the *tuan basar*, great man's luggage, who would be very angry with them if they did not arrive in time, and therefore they implored permission to pass quietly and without molestation. The tiger, being startled at their appearance, got up and walked quietly into the depths of the forest; and they came on, perfectly satisfied that it was in consequence of their petition that they passed in safety.'—pp. 322, 323.

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In five years from the building of his house on the Hill of Mists, the whole intermediate space was chequered with villas, and surrounded with plantations. At this time, out of 100,000 nutmeg-trees, which had been planted by Sir Stamford, one-fourth were in full bearing. 'The clove-trees,' says Lady Raffles, 'as an avenue to a residence, are, perhaps, unrivalled; their noble height, the beauty of their form, the luxuriance of their foliage, and, above all, the spicy fragrance with which they perfume the air, produce, in driving through a long line of them, a degree of exquisite pleasure only to be enjoyed in the clear, light atmosphere of these latitudes.' In another place she observes, that, at this time,

'The appearance of the settlement was greatly changed. On Sir Stamford's first arrival in 1818, he found that every tree and shrub had been cut down (from fear of the natives) around the residence of the chief authority, which had in consequence a most desolate appearance: he immediately formed a garden, and surrounded the government-house with plantations. As a proof of the luxuriance of vegetation in these islands, it may be stated, that during his absence of eleven months, the casuarina-trees had grown to the height of thirty and forty feet; and he had the pleasure, on his return, to see the house encircled by a shrubbery of nutmeg, clove, coco, and cassia trees, and of driving through an approach of alternate nutmeg and clove trees; the place seemed to have been converted almost by magic from a wilderness into a garden. The nutmeg-tree is exceedingly beautiful; it bears in profusion, spreads its branches in a wide circle, and the fruit is perhaps the most beautiful in the world; the outside covering, or shell, is of a rich cream colour, and resembles a peach; this bursts, and shows the dark nut, encircled and chequered with mace of the brightest crimson; and, when contrasted with the deep emerald green leaf, is delightfully grateful to the eye.'—pp. 404.

The same system of excluding respectable natives from the society of Europeans had been pursued in this settlement, as is but too much the case in most other parts of India. Sir Stamford at once broke down this barrier, and opened his house to the chiefs and higher class of natives on all occasions; and this practice he continued during the whole period of his residence in Sumatra. His house was rarely without some of them,—in short, he had constant opportunity of studying their feelings, sentiments, and manners; and such was the confidence they placed in him, that in his measures for the good of the community, they were at all times ready to give their cordial co-operation. Both chiefs and people were soon brought to consider him their best friend and adviser, yielded to his opinion upon all occasions, and harmony and goodwill prevailed throughout the settlement.

Having procured from Bengal a young man, brought up in the principles and practice of our national schools, with a fount of types in the Roman and native characters, he appointed a committee, and established a plan of schools for educating the whole of the native population. In a letter to Mr. Wilberforce, detailing the progress made in these and other institutions, he thus expresses himself:

'I must now carry you to a more extensive field, and endeavour to obtain all the aid of your powerful patronage and support for an institution, which is to operate on a more enlarged and still more important scale, and which is intended to complete the design I had in view: it is the key-stone to the arch, and when once this is constructed and well cemented, holier and better men may raise upon it such a superstructure as their duty to God may require. All that I attempt is, to pave the way for better things; and, although I am far from lukewarm towards higher ends, I am content to confine all my views to the enlargement of the human mind, and the general spread of moral principles. In the present state of these countries, these are the first to be attended to—to prepare the mind for religious truth and Christian discipline. It is true the people of these islands are distinguished by the absence of that spirit of intolerance and bigotry which prevails on the continent of India, and that they place the fullest confidence in the benevolence and liberality of our government and institutions; but we as yet only see them as the sea in a calm. I write these remarks to you, my dear Sir, without reserve, knowing that in your kindness and liberality they will meet with every indulgence. I am far from opposing missionaries, and the more that come out the better; but let them be enlightened men, and placed in connexion with the schools, and under due control.

'I must, however, return to my institution, which is intended to be a native college, for the education of the higher orders of the natives, and to afford the means of instruction to ourselves in the native languages, and of prosecuting our researches into the history, literature, and resources of the further East. When I tell you, that the effect of this institution is intended to be felt among a population of not less than thirty millions, and that its influence may eventually, and perhaps at no very distant date, extend over ten times that number, it is not necessary to say more on the extent and importance of the field; of its nature and interest, I need only refer you to the map of the world, and request you to consider all those countries lying to the east and south of the Ganges, as included within our range.'—pp. 408, 409.

Sir Stamford was here as indefatigable, as he had been in Java, in his exertions for making a complete collection of specimens of natural history, particularly in the animal and vegetable creation, and in this he was most cheerfully assisted by the natives. He had, besides, the able assistance of Doctors Wallich, Horsfield, and

and Jack, and of two French naturalists, one a nephew of Cuvier, whom he engaged to collect specimens exclusively for the East India Company's museum. He thus writes to the Duke of Somerset:

'Your Grace would, I think, be amused, were you to overlook our present occupations. Were it not for the Dutch, I should have little in politics to interest me; and as it is, I should have much leisure if I did not devote my time to natural history, in which we are daily making very important discoveries—the lower part of our house, at this moment, is more like the menagerie at Exeter Change, than the residence of a gentleman. Fish, flesh, and fowl, alike contribute to the collection; and, above stairs, the rooms are variously ornamented with branches and flowers, rendering them so many arbours. There are no less than five draftsmen constantly employed, and with all our diligence we can hardly keep pace with the new acquisitions which are daily made. I can assure your Grace, that while directing these various departments, we often think of the days that are to come, when quietly in Park-lane, or in the country, I may attempt to display to your domestic circle some of the riches and beauties with which nature has adorned these islands: but when will that day come? A year has nearly elapsed since we landed on Indian ground; that year has not been spent in idleness; but yet I must look through three or four more still longer years before I think of home—would that they were past too!'—pp. 378, 379.

In another letter he observes, 'I have thrown politics far away; and since I must have nothing more to do with men, have taken to the wilder, but less sophisticated, animals of our woods. Our house is on one side a perfect menagerie; on another, a perfect flora; here a pile of stones, there a collection of sea-weeds, shells, &c.' To the Duchess of Somerset he says:

'Your Grace will, I doubt not, be happy to hear that our prospects, even at Bencoolen, are improving; the place no longer has that gloomy and desolate appearance of which I first complained. Population and industry are increasing; the inland merchants begin to bring down the gold and cassia from the interior, and a stranger would hardly know the place again, so much is it changed from what it was two years ago. We have a good many comforts about us, and shall really regret any political necessity which obliges us to remove from what has now become our second home. We have a delightful garden, and so many living pets, children, tame and wild; monkeys, dogs, birds, &c., that we have a perfect *regne animale* within our own walls, to say nothing of the surrounding forests now under contribution. I have one of the most beautiful little men of the woods that can be conceived; he is not much above two feet high, wears a beautiful surtout of fine white woollen, and in his disposition and habits, the kindest and most correct creature imaginable; his face is jet black, and his features most expressive; he has not the slightest

rudiments of a tail, always walks erect, and would I am sure become a favourite in Park-lane.'—p. 447.

Another letter, written about the same time, shows the happy state of mind enjoyed by this good man, in contemplating the progressive improvement, moral and physical, of all around him

'Nothing very particular has occurred since my last, except the birth of another boy. My dear little Charlotte is, of all creatures, the most angelic I ever beheld. She has those inborn graces which, as she expands, must attract the admiration of every one—but she has a soft heart, and is so full of mildness and gentleness, that I fear she will have many trials to go through in this unfeeling world. Her brother Leopold, however, will take her part, for he has the spirit of a lion, and is absolutely beautiful; but I will not tire you with any more family details: it will be sufficient to add, that we are all well, and as happy as absence from dear and relative friends will admit. My life is at present rather monotonous, not however unpleasantly so, for I have all the regular and substantial employment of domestic comfort in the bosom of a happy and thriving family; and in the daily pursuits of agriculture and magisterial duty I find abundance to interest and amuse—but I am no longer striding from one side of India to another, overleaping mountains, or forming new countries—I am trying to do the best I can with a very old and nearly worn-out one, in which I hope, by infusing a new spirit, and encouraging habits of industry, and motives of enterprise, much may be done. I am busily engaged in taking a census of the population, and inquiring into the processes of husbandry, and the village institutions; and I think you would be amused to see me amid my rude and untutored mountaineers, collecting the details, and entering into all the particulars, as if they were the peasants of my own estate. I am becoming so attached to these pursuits, and find them so much more satisfactory than political discussion, that I believe I shall be sorry to change this mode of life. Allow me, therefore, to indulge my whim for a short time longer, and then I shall be able to carry home such a weight of experience, as may perhaps bring all your barren lands into cultivation. If I am not rich enough to have a farm of my own, I shall wish to become a farmer on your lands, and then . . . .'
—pp. 450, 451.

We cannot resist the beautiful picture which Lady Raffles has sketched of their mode of life at this happy period, when every want and every wish appear to have been gratified.

'Perhaps this was one of the most happy periods in Sir Stamford's life; politically he had attained the object which he felt so necessary for the good of his country (the establishment of Singapore). He was beloved by all those under his immediate control, who united in showing him every mark of respect and attachment; and many were bound to him by ties of gratitude for offices of kindness, for private acts of benevolence and assistance, which he delighted to exercise towards

wards them. The settlement, like many other small societies, was divided into almost as many parties as there were families, on his first arrival; but these differences were soon healed and quieted, and a general interchange of good offices had succeeded. The natives and chiefs appreciated the interest which he took in their improvement, and placed implicit reliance upon his opinion and counsel.

'The consciousness of being beloved is a delightful, happy feeling, and Sir Stamford acknowledged with thankfulness at this time that every wish of his heart was gratified. Uninterrupted health had prevailed in his family, his children were his pride and delight, and they had already imbibed from him those tastes it was his pleasure to cultivate: this will not be wondered at, even at their early age, when it is added, that two young tigers and a bear were for some time in the children's apartments, under the charge of their attendant, without being confined in cages; and it was rather a curious scene to see the children, the bear, the tigers, a blue mountain-bird, and a favourite cat, all playing together,—the parrot's beak being the only object of awe to all the party.

'Perhaps few people in a public station led so simple a life; his mode of passing his time in the country has been already described. When he was in Bencoolen, he rose early, and delighted in driving into the villages, inspecting the plantations, and encouraging the industry of the people; at nine, a party assembled at breakfast, which separated immediately afterwards; and he wrote, read, studied natural history, chemistry, and geology, superintended the draftsmen, of whom he had constantly five or six employed in a verandah, and always had his children with him, as he went from one pursuit to another, visiting his beautiful and extensive aviary, as well as the extraordinary collection of animals which were always domesticating in the house. At four he dined, and seldom alone, as he considered the settlement but as a family of which he was the head; immediately after dinner, all the party drove out, and the evening was spent in reading, and music, and conversation. He never had any game of amusement in his house. After the party had dispersed, he was fond of walking out with the Editor, and enjoying the delicious coolness of the night land-wind, and a moon whose beauty those only who have been in tropical climates can judge of; so clear and penetrating are its rays, that many fear them as much as the glare of the sun. Though scarcely a day passed without reptiles of all kinds being brought in, and the Cobra de Capello in numbers, the Editor never remembers these pleasures being interrupted by any alarm.

'Amidst these numerous sources of enjoyment, however, Sir Stamford never forgot that the scene was too bright to continue unclouded, and often gently warned the Editor not to expect to retain all the blessings God in his bounty had heaped upon them at this time, but to feel that such happiness, once enjoyed, ought to shed a bright ray over the future, however dark and trying it might become.'—pp. 451, 452.

Sir Stamford having made his arrangements for the conduct of his

his government, determined on making a journey into the interior, to examine the state of the country and the condition of the people, and, at the same time, to add to his collection of subjects of natural history. Lady Raffles accompanied him, being the first European lady that had ever been seen beyond the confines of Bencoolen. An interesting account is given of this journey: in the course of which was discovered the largest and most extraordinary flower, perhaps, that exists in the whole creation—the *Rafflesia Arnoldi*, called by the natives the 'devil's betel-box,' and of which Sir Stamford says,—

'The most important discovery throughout our journey was a gigantic flower, of which I can hardly attempt to give anything like a just description. It is perhaps the largest and most magnificent flower in the world, and is so distinct from every other, that I know not to what I can compare it; its dimensions will astonish you—it measured across from the extremity of the petals rather more than a yard; the nectarium was nine inches wide, and as deep—estimated to contain a gallon and a half of water; and the weight of the whole flower fifteen pounds.'—p. 316.

But the whole vegetable part of the creation is here on a magnificent scale.

'There is nothing more striking in the Malayan forests than the grandeur of the vegetation: the magnitude of the flowers, creepers, and trees, contrasts strikingly with the stunted, and, I had almost said, pigmy vegetation of England. Compared with our forest-trees, your largest oak is a mere dwarf. Here we have creepers and vines entwining larger trees, and hanging suspended for more than a hundred feet, in girth not less than a man's body, and many much thicker; the trees seldom under a hundred, and generally approaching a hundred and sixty to two hundred, feet in height. One tree that we measured was, in circumference, nine yards! and this is nothing to one I measured in Java.'—p. 317.

An occurrence is related, which, while it shows the simplicity of the natives, was rather of a vexatious nature, though quite pardonable, and even amusing. At a place where felspar, granite, quartz, and other minerals of primitive formation, were found, mixed with a variety of volcanic productions,—

'Dr. Horsfield got specimens of these, which he gave in charge to some coolies who attended him: after the day's journey, he wished to examine this collection; the men produced their baskets full of stones; but on the Doctor's exclaiming they were not what he had given them, and expressing some anger on the occasion, they simply observed, they thought he only wanted stones, and they preferred carrying their baskets empty, so they threw away what he gave them, and filled them up at the end of the day's journey, and they were sure they gave him more than he collected.'—p. 357.

Sir

Sir Stamford had been told that the people of the Passuma country were a savage, ungovernable race; he found them every thing the reverse;—an agricultural people, reasonable and industrious, more sinned against than sinning. The villages were large, many of them having more than five hundred inhabitants. At one of these villages he says,—

'The utmost good-humour and affection seemed to exist among the people; they were as one family—the men walking about holding each other by the hand, and playing tricks with each other like children. They were as fine a race as I ever beheld; in general about six feet high, and proportionably stout, clear and clean skins, and an open, ingenuous countenance. They seemed to have abundance of everything; rice, the staple food of the country, being five times as cheap as at Bencoolen, and every other article of produce in proportion. The women and children were decorated with a profusion of silver ornaments, and particularly with strings of dollars, and other coins, hanging two or three deep round the neck. It was not uncommon to see a child with a hundred dollars round her neck. Every one seemed anxious for medicine, and they cheerfully agreed to be vaccinated. The small-pox had latterly committed great ravages, and the population of whole villages had fled into the woods to avoid the contagion.'—p. 319.

He also made another and a longer journey to the capital of Menangkabu, from whence all the Malayan governments acknowledge themselves to have derived their power. The account he gives of this journey, —of the extensive population and the high state of cultivation in this distant and retired portion of Sumatra, —the innumerable towns and villages that succeed each other, and shaded by the cocoa-nut and other fruit-trees,—the remains of buildings and inscriptions, that proved a remote antiquity,—the beautiful and majestic scenery, which, Sir Stamford says, more than equalled anything he ever saw in Java, while the population is equally dense, and the cultivation equally rich,—will be read with great interest. He estimates the population within a range of fifty miles round Pagerayong, at not less than a million, spread over a fine undulating surface, with a lake in the centre, surrounded with towns and villages, and shut in by volcanic mountains, one of which is stated to be fifteen thousand feet above the level of the sea. Our limits will not permit us to give any details of this highly interesting tour,—we must content ourselves with extracting the following passage, contained in a letter to Sir Robert Inglis :—

'We here found the wreck of a great empire, hardly known to us but by name, and the evident source whence all the Malayan colonies now scattered along the coasts of the archipelago first sprung, a population of between one and two millions, a cultivation highly advanced, and manners, customs, and productions in a great degree new and

and undescribed. I can hardly describe to you the delight with which I first entered the rich and populous country of Menangkabu, and discovered, after four days' journey through the mountains and forests, this great source of interest and wealth. To me it was quite classical ground, and had I found nothing more than the ruins of an ancient city, I should have felt repaid for the journey; but when, in addition to this, I found so extensive a population, so fertile a country, and so admirable a post whence to commence and effect the civilization of Sumatra, the sensation was of a nature that does not admit of description. Instead of jealousy and distrust on the part of the natives, they received us with the utmost hospitality; and though their manners were rude, and sometimes annoying, it was impossible to misunderstand their intentions, which were most friendly. They had but one request, namely, that I would not allow the Dutch to come to Padang —" for in the twenty-three years that the place had been in our possession, great changes had taken place, new interests had arisen, children then unborn had become men, and those who had been friends to the Dutch were now no more." I pacified them by receiving an address, which they wrote in public to the King of England, soliciting his attention to their interests; and as I found, on subsequent inquiry, that the Dutch influence had never extended inland beyond the mountains, but had been expressly limited to the western side of them, I did not hesitate to enter into a conditional treaty of friendship and alliance with the Sultan of Menangkabu, as the lord-paramount of all the Malay countries, subject, of course, to the approval of Lord Hastings.'—p. 388.

Among the variety of people who inhabit the different portions of Sumatra must be mentioned one—the Battas—among whom the horrible custom of cannibalism unquestionably prevails.

'Now do not be surprised,' says Sir Stamford to the Duchess of Somerset, 'at what I shall tell you regarding them, for I tell the truth, and nothing but the truth. To prepare you a little, I must premise that the Battas are an extensive and populous nation of Sumatra, occupying the whole of that part of the island lying between Acheen and Menangkabu, reaching to both the shores. The coast is but thinly inhabited, but in the interior the people are said to be "as thick as the leaves of the forest;" perhaps the whole nation may amount to between one or two millions of souls. They have a regular government, deliberative assemblies, and are great orators: nearly the whole of them write, and they possess a language and written character peculiar to themselves. In their language and terms, as well as in some of their laws and usages, the influence of Hinduism may be traced, but they have also a religion peculiar to themselves; they acknowledge the one and only great God, under the title *Dibata Assi Assi*, and they have a Trinity of great Gods, supposed to have been created by him. They are warlike, extremely fair and honourable in all their dealings, most deliberate in all their proceedings; their country is highly cultivated, and crimes are few.

'The

'The evidence adduced by Mr. Marsden* must have removed all doubt from every unprejudiced mind, that, notwithstanding all this in their favour, the Battas are strictly cannibals; but he has not gone half far enough. He seems to consider, that it is only in cases of prisoners taken in war, or in extreme cases of adultery, that the practice of man-eating is resorted to, and then, that it is only in a fit of revenge. He tells us that, not satisfied with cutting off pieces and eating them raw, instances have been known, where some of the people present have run up to the victim, and actually torn the flesh from the bones with their teeth. He also tells us, that one of our residents found the remains of an English soldier, who had been only half-eaten, and afterwards discovered his finger sticking on a fork, laid by, but first taken warm from the fire: but I had rather refer your Grace to the book; and if you have not got it, pray send for it, and read all that is said about the Battas.

'In a small pamphlet, lately addressed to the Court of Directors, respecting the coast, an instance still more horrible than any thing related by Mr. Marsden is introduced; and as this pamphlet was written by a high authority, and the fact is not disputed, there can be no question as to its correctness; it is nearly as follows:—A few years ago a man had been found guilty of a very common crime, and was sentenced to be eaten according to the law of the land; this took place close to Tappanooly; the resident was invited to attend, he declined, but his assistant and a native officer were present. As soon as they reached the spot, they found a large assemblage of people, and the criminal tied to a tree, with his hands extended. The minister of justice, who was himself a chief of some rank, then came forward with a large knife in his hand, which he brandished as he approached the victim. He was followed by a man carrying a dish, in which was a preparation or condiment, composed of limes, chillies, and salt, called by the natives *Sambul*. He then called aloud for the injured husband, and demanded what part he chose; he replied the right ear, which was immediately cut off with one stroke, and delivered to the party, who, turning round to the man behind, deliberately dipped it into the sambul, and devoured it; the rest of the party then fell upon the body, each taking and eating the part most to his liking. After they had cut off a considerable part of the flesh, one man stabbed him to the heart; but this was rather out of compliment to the foreign visiters, as it is by no means the custom to give the *coup de grace*.

'It was with a knowledge of all these facts regarding the Battas, that I paid a visit to Tappanooly, with a determination to satisfy my mind most fully in every thing concerning cannibalism. I had previously set on foot extensive inquiries, and so managed matters as to concentrate the information, and to bring the point within a narrow compass. You shall now hear the result; but, before I proceed, I must beg of you to have a little more patience than you had with Mr.

* Vide *History of Sumatra*.

Mariner. I recollect, that when you came to the story of eating the aunt, you threw the book down. Now, I can assure your Grace, that I have ten times more to report, and you *must* believe me.

'I have said the Battas are not a bad people, and I still think so, notwithstanding they eat one another, and relish the flesh of a man better than that of an ox or a pig. You must merely consider that I am giving you an account of a novel state of society. The Battas are not savages, for they write and read, and think full as much, and more, than those who are brought up at our Lancastrian and national schools. They have also codes of laws of great antiquity; and it is from a regard for these laws, and a veneration for the institutions of their ancestors, that they eat each other. The law declares, that for certain crimes, four in number, the criminals shall be eaten ALIVE. The same law declares also, that in great wars, that is to say, one district with another, it shall be lawful to eat the prisoners, whether taken alive, dead, or in their graves. In the four great cases of crimes, the criminal is also duly tried and condemned by a competent tribunal. When the evidence is heard, sentence is pronounced, when the chiefs drink a dram each, which last ceremony is equivalent to signing and sealing with us. Two or three days then elapse to give time for assembling the people; and in cases of adultery it is not allowed to carry the sentence into effect, unless the relations of the wife appear and partake of the feast. The prisoner is then brought forward on the day appointed, and fixed to a stake with his hands extended. The husband, or party injured, comes up and takes the first choice, generally the ears; the rest then, according to their rank, take the choice pieces, each helping himself according to his liking. After all have partaken, the chief person goes up and cuts off the head, which he carries home as a trophy. The head is hung up in front of the house, and the brains are carefully preserved in a bottle for purposes of witchcraft, &c. In devouring the flesh, it is sometimes eaten raw, and sometimes grilled, but it must be eaten upon the spot. Limes, salt, and pepper, are always in readiness, and they sometimes eat rice with the flesh, but never drink toddy or spirits. Many carry bamboos with them, and, filling them with blood, drink it off. The assembly consists of men alone, as the flesh of man is prohibited to the females: it is said, however, that they get a bit by stealth now and then.

'I am assured, and *really* do believe, that many of the people prefer human flesh to any other; but, notwithstanding this *penchant*, they never indulge the appetite except on lawful occasions. The palms of the hands, and the soles of the feet, are the delicacies of epicures! On expressing my surprise at the continuance of such extraordinary practices, I was informed that formerly it was usual for the people to eat their parents when too old for work. The old people selected the horizontal branch of a tree, and quietly suspended themselves by their hands, while their children and neighbours, forming a circle, danced round them, crying out, "When the fruit is ripe, then it will fall." This practice took place during the season of limes, when

when salt and pepper were plenty; and as soon as the victims became fatigued, and could hold on no longer, they fell down, when all hands cut them up, and made a hearty meal of them. This practice, however, of eating the old people has been abandoned, and thus a step in civilization has been attained, and, therefore, there are hopes of future improvement. This state of society you will admit to be very peculiar. It is calculated, that certainly not less than from sixty to one hundred Battas are thus eaten in a year, in times of peace.

'I was going on to tell your Grace much about the treatment of the females and children, but I find that I have already filled several sheets, and that I am called away from the cabin; I will, therefore, conclude, with entreating you not to think the worse of me for this horrible relation. You know that I am far from wishing to paint any of the Malay race in the worst colours, but yet I must tell the truth. Notwithstanding the practices I have related, it is my determination to take Lady Raffles into the interior, and to spend a month or two in the midst of these Battas. Should any accident occur to us, or should we never be heard of more, you may conclude we have been eaten.

'I am forming a collection of sculls; some from bodies that have been eaten. Will your Grace allow them room among your curiosities?'—p. 425—428.

It must be observed, that Sir Stamford did not himself witness the ceremony of eating a living human being—ocular proof by an European appears to be still wanting; but from the most intelligent of the Batta chiefs, assembled in presence of Mr. Prince and Dr. Jack, he obtained information, of the truth of which none of them had the least doubt—nor have we. We must, however, confess we are somewhat sceptical about the choice of the titbits—the ears, the palms of the hands and feet, &c. The hanging up the old people on branches of trees to let them grow tender is merely traditional; but of the main fact there cannot exist a doubt; and we only regret that ill health and family affliction prevented Sir Stamford, as he had intended, from throwing himself into the very heart of the country. Mr. Ward, however, and Mr. Burton, two missionaries, made an excursion into the country, from the former of whom we have the following extract of a letter.

'Four days after my arrival at Tappanooly, I commenced an excursion into the Batta country with Mr. Burton. The district of Silindang so highly gratified us, that we were tempted to remain a few days. Three thousand people, who had never beheld a white face, received us in a manner, perhaps similar to what we read of, respecting the first appearance of the Spaniards in America. We were kept for four hours, on an elevation of twelve feet, exhibiting our persons; and not an hour passed for several days, during which we were not surrounded with crowds from various parts of the country. Some venerated

venerated us as gods; all paid us much respect; and in point of treatment, we had nothing to complain of. To an assembly of the chiefs the objects of our mission were explained; several tracts were read, and the future introduction of books was proposed, to all of which they listened with interest and pleasure, and frankly invited Mr. Burton to take up his abode with them; and we may view the result as a pleasing prospect for his future labours. Our notions relative to the Batta character and habits have been much corrected. We found them quiet and harmless, and much more under the influence of civil order than had been supposed, although their government appeared of a singular nature. The practice of cannibalism was general and frequent.'—pp. 436, 437.

The island of Sumatra, large as it is, was far too confined a sphere for the eager mind of Sir Stamford Raffles, especially whenever an object presented itself where the interests of his country or of humanity were concerned. The island of Nias, opposite the settlement of Tappanooly, was considered to be an object of this description. He had learned what dreadful ravages this little island was exposed to from the operation of an active slave trade. A commission of inquiry was sent to collect information. From this mission, he learnt that the population was not less than 230,000 souls; that they could export 12,000 bags of rice annually; and that the number of slaves sent from the island in each year exceeded 1500. The following is a brief description of this interesting island.

'The island is in sight of Sumatra, and seen by most ships passing. I find, on a surface of about 1500 square miles, a population of about 153 to the square mile; the country most highly cultivated, the soil rich, and the people the finest, without exception, that I have yet met with in the East. They are fair, and a strong, athletic, active race; industrious, ingenious, and intelligent, and forming a striking contrast to their neighbours on the opposite coast of Sumatra. What has most astonished me, is the high degree (comparatively) of civilization to which they have attained, without communication from without. We have no trace—no idea, whence or how the island became peopled. The people themselves say, a man and woman were first sent from heaven, from whom they are all descended. Their language, their habits, their character, and institutions, are strikingly different from all others with which we are acquainted. Hinduism never found its way to their shores; and only a few Mahomedans, traders, are here and there to be found on the coast, but the religion itself has made no way. They dwell in excellent and commodious houses, the interiors of which are laid out with neatness, not devoid of elegance; streets are regularly formed and paved, with avenues of trees, and stone stairs to the pinnacles of the different hills, on which their villages are mostly situated, embosomed in the richest foliage imaginable. The slopes of the hills and the valleys are covered with one continued sheet of the richest

richest cultivation, and there is not a forest tree standing on the island: all have disappeared before the force of industry. To each village are attached stone baths, appropriated to the different sexes, which remind us of Roman luxuries. They wear a profusion of gold and other ornaments, than which nothing can be conceived more original. We have discovered an excellent harbour, and made two military stations, merely on account of the flag; and hereafter I hope to have much satisfactory employment.'—p. 486.

Eager to protect and encourage the people in habits of industry, Sir Stamford took effective measures to put a stop to the slave trade, as the first step to the further civilization of the island. He had never doubted that this humane measure would be approved of by the authorities at home; but here he was disappointed—the Court of Directors 'had no hesitation in declaring, that his proceedings in regard to Pulo Nias were deserving of their decided reprehension,'—'they were inclined to visit him with some severe mark of their displeasure, for the steps he had taken,'—and they even threatened to remove him from his government. Had, however, the result been otherwise, the benefit to the unhappy islanders would not long have continued. Since the transfer of Bencoolen to the Dutch, the Nias slave-trade has been carried on with more vigour than ever, and Batavia and Bourbon are the chief places at this day supplied with its victims.

Sir Stamford Raffles had, very soon after his arrival on Sumatra, occasion to witness the avaricious and grasping policy of the Dutch.

'When I look around, and feel that, by the last treaty with Holland, we are left with only one spot upon which we can raise the British flag, as a mart for commerce between the Mauritius and China, and that spot Prince of Wales' island, to which port but a very small portion of the trade of the archipelago can be brought, when, in the instance of Palembang, I find the Dutch choose to reinstate the man on the throne who has been guilty of treacherously murdering, in cool blood, the Dutch factory at that station, rather than permit the sultan whom the English raised, in consequence of the atrocity of his predecessor, to continue on the throne; when I likewise discover that they lay claim to all the territory in the Lampong country, and oppose our forming any settlement in Samangka bay, for the purpose of affording succour or refreshment to our ships passing through the straits of Sunda; and that they even object to the continuance of the post station between Java and Sumatra, by which alone communication can be kept up with the eastern islands and Europe; I feel it to be my duty to submit to the Governor-General a statement of the injury which must necessarily arise to us from tacitly submitting to such a course, not only as affecting our interests in Sumatra and its neighbourhood, but also throughout the whole of

of the eastern archipelago and China. My knowledge of the previous principles which actuated the Dutch in Java, and of the vast benefit to be derived to British enterprise in so extensive a field, leads me to hope that I shall meet with approbation for the line of conduct I pursue.'—p. 311.

The Governor-General, Lord Hastings, took the same view of their proceedings, and saw the necessity of some speedy interference. His lordship stated that

'the proceedings of the Netherlands authorities, since the arrival of the commissioners-general to receive charge of the Dutch colonies, had been actuated by a spirit of ambition, by views of boundless aggrandizement and rapacity, and by a desire to obtain the power of monopolizing the commerce of the eastern archipelago, and of excluding the English from those advantages which they had long enjoyed, and which they only wished to share in common with other nations of the earth; and that this spirit of aggrandizement, and their manifest endeavours to establish an absolute supremacy to our exclusion, made it necessary for us to adopt precautions, with the view to arrest the injury and degradation which could not fail to ensue, from a listless submission to the unbounded pretensions displayed on the part of the Netherlands authorities.'—p. 304.

The fact was, that the Dutch had possessed themselves of the only passes through which ships could sail into the great archipelago and the China seas—the straits of Sunda and Malacca; and such was the situation of Great Britain, that, after having, through a mistaken generosity, lavished everything upon this ungrateful people, she had not left herself an inch of ground to stand upon, in the whole track between the Cape of Good Hope and China, nor a single friendly port at which her ships could water, or obtain refreshments. Sir Stamford conceived that a personal communication with the Governor-General might be useful, and, with his usual decision and zeal, immediately set out, in a miserable and crazy bark, for Calcutta. Here it was arranged that, as the straits of Sunda were completely in possession of the Dutch, Sir Stamford, as an authorised agent of the Governor-General, should endeavour to find out some central station, for the benefit of commerce, within the archipelago, so as to secure a free and uninterrupted passage with China through the straits of Malacca. This was quite enough to stimulate his enterprising spirit. Sir Stamford had, in fact, already fixed in his own mind the position that would answer every purpose. In his own words—'he neither wanted people nor territory; all he asked was, permission to anchor a line-of-battle ship, and hoist the English flag, at the mouth either of the straits of Malacca or of Sunda, and the trade of England would be secured, and the monopoly of the Dutch broken.' Singapore,

gapore, at the mouth of the straits of Malacca, was the spot to accomplish this, and there he accordingly, in February, 1819, hoisted the British flag. In June of the same year, he says, 'my new colony thrives most rapidly. We have not been established four months, and it has received an accession of population exceeding five thousand, principally Chinese, and their number is daily increasing. You may take my word for it, this is by far the most important station in the East; and, as far as naval superiority and commercial interests are concerned, of much higher value than whole continents of territory.' In 1822, he says, 'My settlement of Singapore continues to prosper. The total tonnage in two years and a half has been upwards of 161,000 tons, and the estimated value of imports and exports 2,000,000*l.* sterling.' 'At Bencoolen, the public expenses in one month are more than they are at Singapore in twelve. The capital turned at Bencoolen never exceeds 400,000 dollars in a year, and nearly the whole of this is in Company's bills on Bengal, the only returns that can be made. At Singapore, the capital turned in a year exceeds eight millions, without any government bills or civil establishment whatever.' To his relation, the Rev. Dr. Raffles, he thus writes:—

'The progress of my new settlement is, in every way, most satisfactory, and it would gladden your heart to witness the activity and cheerfulness which prevail throughout: every day brings us new settlers, and Singapore has already become a great emporium. Houses and warehouses are springing up in every direction, and the inland forests are fast giving way before the industrious cultivator. I am now engaged in marking out the towns and roads, and in establishing laws and regulations for the protection of person and property. We have no less than nine mercantile houses (European), and there is abundant employment for capital as fast as it accumulates.'—pp. 532, 533.

For this flourishing settlement Sir Stamford framed a code of laws and regulations, grounded on the simplest principles of equity and justice. He sets out with this declaration—'That the port of Singapore is a free port, and the trade thereat open to ships and vessels of every nation, free of duty, equal and alike to all.' Here, also, as at Bencoolen, he immediately prohibited all gambling and cock-fighting; and persons found to have conducted a gaming-table or cock-pit were liable to the confiscation of their property, and banishment from the settlement. He provided, that no gaming debts could be recognised by the magistrates; but winners were to be compelled to restore the amount to the losers: and the concluding enactment does him immortal honour.

'As the condition of slavery, under any denomination whatever, cannot

cannot be recognised within the jurisdiction of the British authority, all persons who may have been so imported, transferred, or sold as slaves or slave-debtors, since the 29th day of February, 1819, are entitled to claim their freedom, on application to the registrar, as hereafter provided; and it is hereby declared, that no individual can hereafter be imported for sale, transferred, or sold as a slave or slave-debtor, or having his or her *fixed residence* under the protection of the British authorities at Singapore, can hereafter be considered or treated as a slave, under any denomination, condition, colour, or pretence whatever.'—pp. 543, 544.

The Bengal government highly approved of Sir Stamford's regulations in the government of Singapore, and more particularly of his suppression of gaming and cock-fighting. Mr. Crawfurd, however, whom he had placed in charge of the settlement, anxious to raise a revenue at any cost, broke in upon the regulations, in so far as to license indulgences in both these pernicious vices, which were in consequence farmed out to the highest bidder. But the grand jury, highly to their honour, presented them as nuisances, stated them to be so at common law, and indictable as such; in consequence of which, this demoralizing system, fostered by one of the noisiest of our Indian reformers, has been given up, and Sir Stamford's original regulations strictly enforced.

The interest which Sir Stamford Raffles took in promoting the welfare and the moral and intellectual improvement of this 'child of his own,' as he calls it, will appear from the following letter to his accomplished friend, Dr. Wallich:—

'I have just established an institution which will, I am sure, give you satisfaction. The particulars I shall hereafter communicate, not having time at present. The object is, the cultivation of Chinese and Malayan literature, with the improvement of the moral and intellectual condition of the people. The Anglo-Chinese College at Malacca is to be removed here, and united with a Malay college, and both form parts of the institution, which has a scientific department, and places for professors in natural philosophy, &c. &c. We have about twenty thousand dollars in funds, and have voted fifteen thousand for the buildings; the site is fixed upon near the beach, and the plan and appearance will be very respectable.

'I trust in God this institution may be the means of civilizing and bettering the condition of millions: it has not been hastily entered into, nor have its possible advantages been overrated. Our field is India beyond the Ganges, including the Malayan archipelago, Australasia, China, Japan, and the islands in the Pacific ocean—by far the most populous half of the world! Do not, my dear friend, think that I am led to it by a vain ambition of raising a name—it is an act of duty and gratitude only. In these countries has my little independence been gained; in these countries have I passed the most valuable, if not, perhaps, the whole period of my *public* life. I am linked to them by

by many a bitter, many a pleasant tie. It is here that I think I may have done some little good; and, instead of frittering away the stock of zeal and means that may yet be left me in objects for which I may not be fitted, I am anxious to do all the good I can *here*, where experience has proved to me that my labours will not be thrown away. Ill health forces me to leave Singapore, before even the material arrangements are made for its prosperity; but in providing for its moral improvement, I look to its more certain and permanent advance. Would that I could infuse into the institution a portion of that spirit and soul by which I would have it animated, as easily as I endow it with lands, &c. It will long be in its infancy, and to arrive at maturity will require all the aid of friends and constant support. It is my last public act, and, rise or fall, it will always be a satisfactory reflection, that I have done my best towards it. I pray you befriend it.'—pp. 539, 540.

Having thus established this 'child of his own' on the firm basis of freedom and equal rights, he now took his final departure, amidst the deep regrets of the whole settlement. Thus was established this most important commercial station, which, in spite of its being shackled in the same government with Penang on one side, and Malacca on the other, not only continues to maintain its ground, but to advance in population, commerce, intelligence, and prosperity. Should the merchants of Bristol, Liverpool, and Hull, unfortunately for themselves and the country, succeed in their object of throwing open the sole port of China to which foreign ships are admitted, and rush thither in such shoals as to induce the jealous government of Pekin to close it, it may afford us some consolation that we should still get a certain supply of tea through the medium of Chinese junks, at Singapore.

It is not to be supposed that such incessant activity of body and mind, in a latitude within a few degrees of the equator, could long be continued with unimpaired health. Three years had scarcely expired, when Sir Stamford began, at intervals, to experience serious attacks of fever. Lady Raffles, too, suffered much from illness; and these continuing for two years more, a much longer residence in such an enervating climate could not be advisable, and his thoughts naturally began to turn towards home. Blessed with three lovely children, a most affectionate wife, and a moderate competency, he ventured to look forward to years of that domestic happiness in his native country, the blessings of which, with every drawback of climate, fatigue, and responsibility, he had so fully experienced here. But how uncertain are all human affairs,—how soon are sometimes clouded the brightest prospects,—how vain the most sanguine hopes,—and how often the moments of supreme felicity are changed into those of the deepest affliction! So fared it with this interesting family. 'Upwards of three years,' says Lady Raffles, 'had passed in un-

interrupted health and happiness; but a sad reverse took place at this period: the blessings most prized were withdrawn; the child most dear to the father's heart, whose brightness and beauty were his pride and happiness, expired in all the bloom of infancy, after a few hours' illness; and from this time until his return to England, sickness and death prevailed throughout the settlement, and in his own family.' Sir Stamford thus writes to a friend:—

'My heart has been nigh broken, and my spirit is gone: I have lost almost all that I prided myself upon in this world; and the affliction came upon us at a moment when we least expected such a calamity. Had this dear boy been such as we usually meet with in this world, time would ere this have reconciled us to the loss—but such a child! Had you but seen him and known him you must have doated,—his beauty and intelligence were so far above those of other children of the same age, that he shone among them as a sun, enlivening and enlightening every thing around him. I had vainly formed such notions of future happiness when he should have become a man, and be all his father wished him, that I find nothing left but what is "stale, flat, and unprofitable." My remaining children are, I thank God, rather superior to the ordinary run; and Charlotte is every thing we could wish her. How is it that I feel less interest in them than in the one that is gone?—perhaps it is in our nature.'—pp. 502, 503.

Within a few months this loss was followed by the death of two other children.

'You will, I am sure, grieve to learn what has befallen us. My last letter announced to your Grace the loss of my dear Leopold. I have now to add, that during the last month, and within a few days of each other, we have been successively deprived of my only remaining boy, and of Charlotte, your god-daughter. We have now only one left, an infant, the little Ella; and that we may not run the risk of a tropical climate, we send her home by the present opportunity, under the charge of our good old nurse. Such severe trials in a climate by no means congenial to an European constitution, and broken down as we were by former afflictions, have had their effect in producing severe illnesses. I have had two of the most severe attacks I ever suffered; the last a fever, which fell on the brain, and I was almost mad. I am still an invalid, and confined to my room. How different are these communications to those I was so happy as to make during our first three years' residence! We were then, perhaps, too happy, and prided ourselves too highly on future prospects. It has pleased God to blight our hopes; and we must now lower our expectations more to the standard of the ordinary lot of human nature. God's will be done!'—p. 508.

'In a day or two,' he adds, 'we shall be left without a single child! What a change! We who had recently such a round and happy circle! All our fears were once that we should have too many;

many;—all our cares are now to preserve one—our only one. I cannot say any more: my heart is sick, and nigh broken.'

An interesting anecdote is mentioned by Lady Raffles, on the occasion of the death of their first child.

'Whilst the editor was almost overwhelmed with grief for the loss of this favourite child, unable to bear the sight of her other children—unable to bear even the light of day,—humbled upon her couch, with a feeling of misery,—she was addressed by a poor, ignorant, uninstructed native woman, of the lowest class, (who had been employed about the nursery,) in terms of reproach not to be forgotten. "I am come because you have been here many days shut up in a dark room, and no one dares to come near you. Are you not ashamed to grieve in this manner, when you ought to be thanking God for having given you the most beautiful child that ever was seen? Were you not the envy of every body? Did any one ever see him, or speak of him, without admiring him; and instead of letting this child continue in this world, till he should be worn out with trouble and sorrow, has not God taken him to heaven in all his beauty? What would you have more? For shame: leave off weeping, and let me open a window."'—p. 500.

Broken down by sickness and affliction, all their friends, day after day, dying around them, Sir Stamford resolved at once to embark for England, and took his passage in the Fame. The fate of this ship will be seen from the following letter, dated Bencoolen, 4th February, 1824:—

'We embarked on the 2d inst., and sailed at daylight for England, with a fair wind, and every prospect of a quick and comfortable passage. The ship was every thing we could wish; and having closed my charge here much to my satisfaction, it was one of the happiest days of my life. We were, perhaps, too happy; for in the evening came a sad reverse. Sophia had just gone to bed, and I had thrown off half my clothes, when a cry of fire, fire! roused us from our calm content, and in five minutes the whole ship was in flames! I ran to examine whence the flames principally issued, and found that the fire had its origin immediately under our cabin. Down with the boats. Where is Sophia?—Here. The children?—Here. A rope to the side. Lower Lady Raffles. Give her to me, says one; I'll take her, says the Captain. Throw the gunpowder overboard. It cannot be got at; it is in the magazine, close to the fire. Stand clear of the powder. Skuttle the water-casks. Water! water! Where's Sir Stamford? Come into the boat, Nilson! Nilson, come into the boat. Push off, push off. Stand clear of the after part of the ship.

'All this passed much quicker than I can write it. We pushed off, and as we did so, the flames burst out of our cabin-window, and the whole of the after part of the ship was in flames. The masts and sails now taking fire, we moved to a distance sufficient to avoid the immediate explosion; but the flames were now coming out of the main

hatchway; and seeing the rest of the crew, with the captain, still on board, we pulled back to her under the bows, so as to be more distant from the powder. As we approached, we perceived that the people on board were getting into another boat on the opposite side. She pushed off; we hailed her: have you all on board?—Yes, all, save one. Who is he?—Johnson, sick in his cot. Can we save him?—No, impossible. The flames were issuing from the hatchway. At this moment, the poor fellow, scorched, I imagine, by the flames, roared out most lustily, having run upon the deck. I will go for him, says the captain. The two boats then came together, and we took out some of the persons from the captain's boat, which was overladen. He then pulled under the bowsprit of the ship, and picked the poor fellow up. Are you all safe?—Yes, we have got the man: all lives safe. Thank God! Pull off from the ship. Keep your eye on a star, Sir Stamford.—There's one scarcely visible.

'We then hauled close to each other, and found the captain fortunately had a compass, but we had no light except from the ship. Our distance from Bencoolen, we estimated to be about fifty miles, in a south-west direction. There being no landing place to the southward of Bencoolen, our only chance was to regain that port. The captain then undertook to lead, and we to follow, in a N.N.E. course, as well as we could: no chance, no possibility being left, that we could again approach the ship; for she was now one splendid flame, fore and aft, and aloft, her masts and sails in a blaze, and rocking to and fro, threatening to fall in an instant. There goes her mizen-mast: pull away, my boys: there goes the gunpowder. Thank God! thank God!

'You may judge of our situation without further particulars. The alarm was given at about twenty minutes past eight, and in less than ten minutes she was in flames. There was not a soul on board at half-past eight, and in less than ten minutes afterwards she was one grand mass of fire.

'My only apprehension was the want of boats to hold the people, as there was not time to have got out the long-boat, or to make a raft. All we had to rely upon were two small quarter-boats, which fortunately were lowered without accident; and in these two small open boats, without a drop of water or grain of food, or a rag of covering, except what we happened at the moment to have on our backs, we embarked on the ocean, thankful to God for his mercies! Poor Sophia, having been taken out of her bed, had nothing on but a wrapper; neither shoes nor stockings. The children were just as taken out of bed, whence one had been snatched after the flames had attacked it. In short, there was not time for any one to think of more than two things. Can the ship be saved?—No. Let us save ourselves, then. All else was swallowed up in one grand ruin.

'To make the best of our misfortune, we availed ourselves of the light from the ship to steer a tolerably good course towards the shore. She continued to burn till about midnight, when the saltpetre, which she

she had on board, took fire, and sent up one of the most splendid and brilliant flames that ever was seen, illuminating the horizon in every direction, to an extent of not less than fifty miles, and casting that kind of blue light over us, which is of all others most horrible. She burnt and continued to flame in this style for about an hour or two, when we lost sight of the object in a cloud of smoke.

'Neither Nilson nor Mr. Bell, our medical friend who had accompanied us, had saved their coats; but the tail of mine, with a pocket-handkerchief, served to keep Sophia's feet warm, and we made breeches for the children with our neckcloths. Rain now came on, but fortunately it was not of long continuance, and we got dry again. The night became serene and star-light. We were now certain of our course, and the men behaved manfully: they rowed incessantly, and with good heart and spirit; and never did poor mortals look out more for day-light and for land, than we did. Not that our sufferings or grounds of complaint were any thing to what has often befallen others; but from Sophia's delicate health, as well as my own, and the stormy nature of our coast, I felt perfectly convinced we were unable to undergo starvation, and exposure to sun and weather, many days; and aware of the rapidity of the currents, I feared we might fall to the southward of the port.

'At day-light, we recognised the coast and Rat Island, which gave us great spirits; and though we found ourselves much to the southward of the port, we considered ourselves almost at home. Sophia had gone through the night better than could have been expected, and we continued to pull on with all our strength. About eight or nine, we saw a ship standing to us from the Roads. They had seen the flames on shore, and sent out vessels to our relief; and here certainly came a minister of Providence in the character of a minister of the Gospel, for the first person I recognised was one of our missionaries. They gave us a bucket of water, and we took the captain on board as a pilot. The wind, however, was adverse, and we could not reach the shore, and took to the ship, where we got some refreshment, and shelter from the sun. By this time Sophia was quite exhausted, fainting continually. About two o'clock, we landed safe and sound; and no words of mine can do justice to the expressions of feeling, sympathy, and kindness, with which we were hailed by every one. If any proof had been wanting, that my administration had been satisfactory here, we had it unequivocally from all. There was not a dry eye; and as we drove back to our former home, loud was the cry of "God be praised!"

'But enough; and I will only add, that we are now greatly recovered, in good spirits, and busy at work, getting ready-made clothes for present use. We went to bed at three in the afternoon, and I did not awake till six this morning. Sophia had nearly as sound a sleep, and, with the exception of a bruise or two, and a little pain in the bones from fatigue, we have nothing to complain of.

'The loss I have to regret beyond all, is my papers and drawings; all

all my notes and observations, with memoirs and collections, sufficient for a full and ample history, not only of Sumatra, but of Borneo, and almost every other island of note in these seas,—my intended account of the establishment of Singapore,—the history of my own administration,—eastern grammars, dictionaries, and vocabularies,—and last, not least, a grand map of Sumatra, on which I had been employed since my arrival here, and on which, for the last six months, I had bestowed almost my whole undivided attention. This, however, was not all: all my collections in natural history,—all my splendid collection of drawings, upwards of *two thousand* in number,—with all the valuable papers and notes of my friends, Arnold and Jack; and, to conclude, I will merely notice, that there was scarce an unknown animal, bird, beast, or fish, or an interesting plant, which we had not on board;—a living tapir, a new species of tiger, splendid pheasants, &c., domesticated for the voyage: we were, in short, in this respect, a perfect Noah's ark.

'All, all has perished! but, thank God, our lives have been spared, and we do not repine.'—p. 566—569.

In stating his misfortunes to the Court of Directors, in a firm and manly tone, free from all murmuring or complaint, he thus continues, after describing the loss of the ship:—

'It however pleased the Almighty Disposer of events to temper his judgments with mercy, and to allay the storms and currents which so constantly prevail in these seas during the present monsoon; and through the steady and great exertions of the men in the boats, we had the satisfaction to make the land in the morning, within about fifteen miles from Bencoolen. The flames from the ship, which had served to assist us in keeping a direct course to the land, had likewise been seen on shore, illumining a circumference of not less than fifty miles, and boats had been sent out in every direction to our assistance. By the aid of one of these we reached Bencoolen about four o'clock in the afternoon of the next day, after having had to contend with an unfavourable current, and latterly, a turbulent sea and adverse wind, for upwards of sixteen hours, every moment of which, under our destitute circumstances, and the boisterous nature of this coast, was pregnant with a degree of anxiety and apprehension not to be described. The state both of Lady Raffles and myself, already worn down, by illness and affliction, to the last stage of existence, was ill calculated to support the privations and exposure to which we were subjected; and long before we reached the harbour, she had fallen into a succession of fainting-fits, from which we with difficulty recovered her.

'It may, however, be satisfactory to state, in concluding this melancholy account, that no lives have been lost, and that the whole of the ship's company and passengers have reached this port in safety, thankful to the Almighty for his mercies.

'Submitting, as it is my duty to do, with patient resignation to this awful dispensation of Providence, I make the following statement, not in

in the spirit of complaint, for I repine not, but simply as illustrative of my personal circumstances and prospects, as they stand affected by this dire and unlooked-for calamity.

'After a service of nearly thirty years, and the exercise of supreme authority as a governor for nearly twelve years of that period, over the finest and most interesting, but perhaps least known, countries in creation, I had, as I vainly thought, closed my Indian life, with benefit to my country, and satisfaction to myself; carrying with me such testimonials and information as I trusted would have proved that I had not been an unprofitable servant, or a dilatory labourer, in this fruitful and extensive vineyard.

'This lovely and highly interesting portion of the globe had, politically speaking, long sunk into insignificance, from the withering effects of that baneful policy, with which the Hollanders were permitted to visit these regions, when it fell to my lot to direct the course of the British arms to the island of Java; and there, on the ruins of monopoly, torture, and oppression, in all its shapes, to re-establish man in his native rights and prerogatives, and re-open the channel of an extensive commerce. Political events required our secession from that quarter; but the establishment of Singapore, and the reforms introduced on this coast, have no less afforded opportunities for the application and extension of the same principles.

'In the course of those measures, numerous and weighty responsibilities became necessary. The European world—the Indian world—(the continental part of it at least)—were wholly uninformed of the nature of these countries, their character, and resources. I did not hesitate to take these responsibilities as the occasion required them; and though, from imperfect information, many of my measures in Java were at first condemned, I had the satisfaction to find them, in the end, not only approved but applauded, far beyond my humble pretensions, and even by those who at first had been most opposed to me. I need refer to no stronger case than that of the Marquis of Hastings.

'During the last six years of my administration, and since I have ceased to have any concern in the affairs of Java, the situations in which I have been placed, and the responsibilities which I have been compelled to take in support of the interests of my country, and of my employers, have been, if possible, still greater than during my former career; I allude to the struggle which I have felt it my duty to make against Dutch rapacity and power, and to the difficulties that I had to contend with in the establishment of Singapore, and the reforms which have been effected on this coast.

'In addition to the opposition of avowed enemies to British power and Christian principles, I had to contend with deep-rooted prejudices, and the secret machinations of those who dared not to act openly; and, standing alone, the envy of some, and the fear of many, distant authorities were unable to form a correct estimate of my proceedings. Without local explanation, some appeared objectionable; while

while party spirit and Dutch intrigue have never been wanting to discolour transactions and misrepresent facts.

'It was at the close of such an administration that I embarked with my family in the Fame, carrying with me endless volumes and papers of information on the civil and natural history of nearly every island within the Malayan archipelago, collected at great expense and labour, under the most favourable circumstances, during a life of constant and active research, and in an especial manner calculated to throw light, not only on the commercial and other resources of these islands, but to advance the state of natural knowledge and science, and finally to extend the civilization of mankind.

'These, with all my books, manuscripts, drawings, correspondence, records, and other documents, including tokens of regard from the absent, and memorials from the dead, have been all lost for ever in this dreadful conflagration; and I am left single and unaided, without the help of one voucher to tell my story, and uphold my proceedings, when I appear before your Honourable Court.'—p. 570—572.

And, never forgetful of those who were at any time placed under his care, he adds:—

'In expressing my deep-felt gratitude to the inhabitants of this settlement, for their sympathy in our sufferings, and genuine hospitality, I can only say, that having been thrown back on their shores most unexpectedly,—we were naked, and they clothed us—hungry and athirst, and they fed us—weary and exhausted, and they comforted and consoled us;—and I pray to God that your Honourable Court, as the immediate guardian of their interests, will bless this land of Sumatra in return, even for their sakes.'—p. 574.

So heavy a misfortune was enough to have overwhelmed in deep despondency any ordinary man; but Sir Stamford rose superior to all such calamities. Lady Raffles observes that neither murmur nor lamentation ever escaped his lips; and on the ensuing Sabbath, he publicly returned thanks to Almighty God for having preserved the lives of all present under circumstances from which there appeared no human probability of escaping. His active mind was neither depressed nor damped, but instantly resumed its wonted ardour. After this irreparable loss of all he had been collecting for so many years, and which, we are told, filled one hundred and twenty-two cases, the very next morning he re-commenced sketching out the map of Sumatra; set all his draftsmen to work in making new drawings of the most interesting specimens of natural history; despatched a number of people into the woods to collect animals; and though, by death or absence, he was deprived of all his scientific assistants, in the course of two months he succeeded in getting together a very respectable collection, part of which now forms the most valuable portion of the Zoological Museum. Indeed it was he who first suggested,

suggested, and, in co-operation with another star of our country still more recently lost to our view, Sir Humphry Davy, planned and established that society as it now exists.

On the 8th April, he embarked in the Mariner, and arrived at Plymouth on the 22d August. It was not till April, 1826, that Sir Stamford could obtain from the Court of Directors an opinion of his services, which at length they gave, under the three heads of Java, Sumatra, and Singapore, cautious and qualified enough. They thus conclude with regard to his general services :—

'The government of Sir Stamford Raffles appears with sufficient evidence to have conciliated the good feelings of, at least, the great majority of the European and native population; his exertions for the interests of literature and science are highly honourable to him, and have been attended with distinguished success; and although his precipitate and unauthorised emancipation of the Company's slaves, and his formation of a settlement at Pulo Nias, chiefly with a view to the suppression of a slave traffic, are justly censured by the Court, his motives in those proceedings, and his unwearied zeal for the abolition of slavery, ought not to be passed over without an expression of approbation.'—p. 599.

Sir Stamford had vainly indulged in the hope of passing a few years in the tranquillity of domestic life, and with this view purchased a small estate at Hendon; but a sudden attack which his friends fondly hoped was not apoplectic, had evidently shattered him. 'My attack,' he says, 'was sudden and unexpected, but fortunately was not apoplectic, as was at first feared:' he felt, however, that, as he says in one of his letters, 'it had shaken his confidence and nerves;' and that his 'head was not quite what it should be.' A very few weeks more, and the final blow came. His amiable relict thus concludes this interesting and instructive Memoir :—

'The few letters which have been introduced in the last pages are sufficient to prove that the death-blow had been struck—the silver cord was broken at the wheel. His sense of enjoyment, indeed, was as keen as ever, his spirit as gay, his heart as warm, his imagination still brighter, though his hopes in this world were less. He was contented with the happiness of the present moment, and only prayed for its continuance. That his prayer was not granted is his everlasting gain. Yet even here, and after so many trials and privations, he enjoyed no common pleasures: the delight of being united to friends from whom he had been so long separated; the charms of society; the interests of literature and science; the general improvement of man; and, above all, the nearer charities of domestic life, all combined to engage and occupy his mind. His heart was full of enjoyment; and in the retirement for which he had so long sighed, and surrounded by all the ties which it had pleased God to spare to him, he

be indulged his happy spirit. In the midst of all these best of worldly treasures, in the bosom of his family, that spirit which had won its way through a greatly chequered course, was suddenly summoned to the throne of God, on the day previous to the completion of his forty-fifth year, the 5th of July, 1826.'—p. 600.

A great man said, some fifty years ago, what has been repeated by fifty other persons,—'our empire in India hangs by so frail a thread, that the touch of chance may break it, or the breath of opinion may dissolve it.' Chance and opinion are unquestionably two powerful agents for good or for evil; but we cannot help suspecting, that, considering the placid and pliant materials to work upon in that empire, if a Raffles were placed at the head of each of the three Presidencies, and of a fourth, or central one, which ought, as we think, to be established, 'chance' would be less liable to injure, and 'opinion' the influence most likely to strengthen, the 'frail thread,' which binds to a foreign yoke from eighty to a hundred millions of human creatures.

ART. VI.—*Journal d'un Voyage à Temboctoo et à Jenné, dans l'Afrique Centrale, &c.*, 1824—1828. Par René Caillié. Trois tomes, avec un Atlas. à Paris. 1830.

THE French have contributed so little, of late years, to the improvement of geography, that when the mountain has brought forth the mouse, the tiny animal is so fondled and dandled, and crammed, that it swells out to the unwieldy size of an elephant. This is precisely the case with regard to the three volumes and its atlas (for a French work is nothing without an atlas) now before us. 'Here,' says some one, speaking of Caillié's travels in Africa, 'here we have a subject of glory for France, and of jealousy for her eternal rival! That which England has not been able to accomplish, with the aid of a whole group of travellers, and at an expense of more than twenty millions, (*bravo!*) a Frenchman has done with his scanty personal resources alone, and without putting his country to any expense.' Mortifying as it may be to the writer of this paragraph, we can assure him, with great truth, that, so far from being 'jealous,' a very small fraction of the 'eternal rival' will ever know or care whether M. Caillié has or has not visited Timbuctoo, and will concern themselves still less about the 'glory' which France imagines herself to have reaped from his travels. What does this eternal cant and whining about the 'jealousy' and 'rivalry' of England imply, but a constantly-recurring consciousness of the intellectual and physical superiority of our countrymen over theirs?

The

The Austrians, Bavarians, Prussians, and Swedes, send forth, like ourselves, their able and enterprising travellers, that their discoveries may enlighten and benefit mankind. Frenchmen would seem to travel solely to boast of their feats, all for the honour and glory of France, however insignificant the feats really achieved may be.

In the present case, however, we must be permitted to say, that, whatever 'glory' there may be due to him who first reached Timbuctoo, that glory belongs not to M. Caillié, but to the unfortunate Laing, who arrived there three years before this person set out on his travels: and if truth had been the object of his panegyrist, he would have added, that the 'personal resources,' scanty or otherwise, were solely afforded to the French traveller by the generosity of Major-Gen. Turner, the governor of Sierra Leone. The case is this:—Baron Roger, the governor of St. Louis, on the Senegal, had sent Caillié, with some articles of traffic, among the Bracknas. On his return, he found the baron had gone to France, and when he solicited the means of making a fresh journey, 'he could obtain neither money nor the countenance of the acting governor.' Everything, he says, concurred to overwhelm him. The Moors and a Maraboot, who came down with him, and to whom he had feigned a zeal for their religion, now looked upon him as an impostor; by his own countrymen, he was exposed to all kinds of ridicule; 'nay,' says he, 'some went so far as to assert that I had undergone the initiatory operation of Islamism.' The allowance of a common soldier was granted to him out of compassion, and the governor offered him fifty francs a month, as overseer of negro labourers. While in this office, he heard of the return of Baron Roger, to whom he hastened with the journal which he had kept while among the Bracknas, and a fresh application for assistance—'it was not granted.' With a hundred francs in his pocket, he now set out for Albreda, a French factory on the Gambia, from whence he proceeded to Sierra Leone, 'where,' he says, 'General Turner, governor of this English settlement, received me with kindness; and, in order to keep me in the colony, he offered me the superintendence of an indigo factory, and attached to the situation (which he created for me) a salary of 3600 francs'—about 150*l.* On the death of General Turner, he applied to Sir Neil Campbell to advance him 6000 francs, to enable him to undertake his journey. Sir Neil, of course, refused, and M. Caillié, having saved 2000 francs, or about 80*l.*, 'thanked heaven he was now able to break off his engagement with foreigners, who might, in return, have laid claim to the glory of a discovery, with which he hoped to do honour to France.'

Thus we see the same kind of cant attaches itself to M. Caillié, who

who also talks about the jealousy of the 'eternal rival' of France, pretty much in the same strain as that of his vain and arrogant panegyrist. Major Gray, he observes, 'failed in all his attempts, not without injuring the French commerce, a species of success which can have made but poor amends for the enormous loss which he has occasioned to England; for his enterprise, and those of Peddie, Campbell, and Tucken (meaning Tuckey), have, it is said, together cost England *eighteen millions* in French money'—to wit, 720,000*l.*!

Whether this nonsense be the result of gross ignorance, or an intentional departure from the truth, in either case it ought to put his readers on their guard, how far they may feel disposed to take the statements contained in his book as entitled to credit. Indeed, M. Caillié himself seems to entertain a feeling that his veracity may be called in question: but we are perfectly at a loss to understand the grounds on which he proposes to 'silence' those apprehended doubts. 'I reflected,' says he, 'that if I should return by the way of Sego, Sansanding, and our establishments at Galam, those who might envy the success of my enterprise, the very undertaking of which had created for me many enemies, would pretend to doubt the fact of my journey, and of my residence at Timbuctoo; whereas, by returning through the Barbary States, the mere mention of the point at which I had arrived would reduce the most envious to silence.' What the poor man means by envy, and enemies, we pretend not to know; but it strikes us, that to have returned to the very spot from whence he set out would have been the most likely mode of convincing his countrymen and all others of the truth of his story—and so he must have thought afterwards; for, having arrived at the 'point proposed,' and addressed himself to M. Delaporte, the vice-consul at Tangiers, this officer's reply was, 'les informations que vous me donnez sont insuffisantes pour que je puisse y ajouter foi; vous savez combien d'imposteurs peuvent nous tromper;' and he demands further proofs, and more precise information. And no wonder; for, by Caillié's own admission, his notes, written with a pencil, were 'tellement fatiguées, tellement effaceés par le temps,' that all the tenacity, he tells us,—all the scrupulous fidelity of his memory—was necessary, to restore and reproduce them, as the basis of his observations, and the materials of his narrative.

We have little confidence, we confess, in journals, embracing a period of fifteen or sixteen months, written from memory. It seems, however, that a committee of the Geographical Society of Paris were less scrupulous, as, after examining our traveller, and the few notes he could produce, they resolved that he had been at Timbuctoo, and gave him the reward for being the *first* who had

had succeeded in reaching that city, from Senegal, or any part of the east coast of Africa. His Most Christian Majesty, moreover, conferred on him the badge of the Legion of Honour.

M. Caillié, we understand, is an illiterate person,—indeed his book, with all the aids it has received, proves him to be so; and with regard to any information it contains of the least importance, be it correct or not, he might as well, as far as literature or science is concerned, have remained to drive negroes with the scanty pittance of two pounds a month, allowed by Baron Roger, or to attend the indigo factory with the more liberal salary given to him by General Turner. The Geographical Society, and the 'honour and glory' of France, must, we think, have been easily satisfied,—for no one single geographical position, in the whole extent of his alleged travels, has been legitimately ascertained. We do not, indeed, recollect if the words latitude and longitude ever drop from his pen; and as to the natural history of the animal kingdom, he tells us, what is almost incredible, and what he himself thinks very strange, that, in this most prolific of all the regions of the world in various kinds of wild animals, he never had the luck to encounter *one*. Yet he would persuade us that he passed through the heart of that region, from which we derive the tusks of elephants, the skins of lions, leopards, and tiger cats, and ostrich feathers.

Our readers may recollect the volume of one Adams, a seaman, who, without being able either to read or write, produced, or rather Mr. Simon Cock produced for him and from him, a very respectable quarto volume. The process, as Cock describes it, was, to draw from the sailor, not a continuous and straightforward story, but answers to detached and often unconnected questions; for he related scarcely any thing without his attention being directed to the subject by a special inquiry. Something of a similar process, we are told, was pursued in the composition of M. Caillié's book, to which a gentleman whose character we highly respect, M. Jomard, has, with his usual zeal and good nature, acted the part of a Simon Cock, and added, moreover, a commentary of half a volume, wherein he has endeavoured, by assuming conjectural distances, and by intersections of lines drawn from hypothetical points, to reconcile a few known positions with the new ones supposed to have been visited by M. Caillié.

M. Caillié sets out by practising a deception on the Bracknas; which he repeated to his conductors and others at various times on his second journey. 'I told them,' says he, 'with a mystericus air, and a charge of secrecy, that I was born in Egypt, of Arabian parents; that I had been carried into France in my infancy, by some soldiers of the French army which had invaded Egypt; and that I had

had been brought to Senegal by my master, who, in consideration of my services, had given me my liberty. I added that, as I was now free, I felt a natural inclination to return to Egypt to seek out my relations, and to adopt the Mohamedan religion.' One who is thus ready at invention at first starting could find no difficulty in improving as he proceeded, and accordingly, at Jenné, 'where they did not appear to be quite convinced of the truth of his story,' he exercised the faculty of fiction in a most ingenious manner. We blame him not for this, as, having once started in the character of an impostor, it became quite necessary for his safety to keep up the cheat; but we fear the habit got the better of him, and was sometimes practised in matters where deception was less pardonable.

Our pages would be but ill employed in detailing any of the ridiculous superstitions of the negros, or of the half-civilized tribes that have obtruded themselves on this simple race,—their obeahs, fetiches, grisgris, saphis, and charms of all descriptions,—which every traveller, for the last two hundred years, has repeated *ad nauseam*. Their eating, and drinking, and dancing on moonlight nights, their scanty clothing and their trinkets, are still pretty nearly what they seem to have been from time immemorial; yet these matters occupy the greater part of M. Caillié's three volumes. As to the Berbers, the Foulahs, the Mandingoes, and the Tuaricks, we had already much better information from more authentic sources than he had the means or the ability to collect. Proceed we, therefore, at once, to land him on the island of Jenné, where he arrived after crossing two branches of the Joliba. The first branch, he was told, is thrown off at Sego, and rejoins the main stream at a place called Isaca. M. Jomard is surprised that Park should not have known this. Park would, no doubt, have known it—if it had happened to be the fact. That a branch does fall into the Joliba, at no great distance from Jenné, has been stated by others; but, instead of coming from Sego, it probably has its rise in the mountainous country of Ludamar, flowing to the northward of Park's track; a stream from this quarter is laid down on a chart of Africa by Wyld, under the name of Gozen-Zair of Sidi Hamet.

M. Caillié states that he observed in the port several large canoes, ninety or a hundred feet long, twelve or fourteen broad, drawing six or seven feet water, having decks raised three feet and a half above the sides, and loaded to the height of two feet and a half, or three feet, above the deck; and one of these vessels, he tells us, is sixty or eighty tons burthen,—such dimensions would make them one hundred and eighty or two hundred tons. They carry, he says, rice, millet, butter, honey, onions, and various other

other articles, together with Negro slaves, to Timbuctoo. In the market he observed a great variety of cotton goods, printed muslins, calicoes, scarlet cloth, hardware, &c. mostly of English manufacture. He also mentions butchers-meat, fish, various dried provisions, and salt. The town is said to be about two miles and a half in circumference, surrounded by an earthen wall ten feet high by fourteen inches thick; the houses are built of bricks dried in the sun, terraced, and open only to an inner square. The island is represented as marshy and destitute of trees. None but Mussulmans are allowed to inhabit Jenné, and all the children are taught to read and write the Arabic language.

Leaving Jemé in a small canoe, crowded with negro slaves, who insulted him for being white, he entered the main stream of the Joliba, very deep, and three times the width of the Seine at the Pont Neuf. About half way to Timbuctoo, he arrived at the lake Debo (or Dibbie) and crossed it in sight of land on every side except on the west, where it spreads out like an inland sea. He talks of three islands, to which he gave the names of St. Charles, Henri, and Marie Therése.

We may observe that from Galia, near Sego, where he first embarked on the Joliba, to the port of Cabra, he makes the general direction of the river almost due north, which is quite new. On each bank he saw numerous villages of mean huts, but, as far as we can collect, very little cultivation; however, our traveller appears to have seen not much, as it was deemed expedient to shut him up under cover of some mats, to screen him against the roving Tuaricks who infested the banks of the river.

On the 19th April the canoe reached a spot where the river separates into two branches; one, three quarters of a mile broad, running gently east-south-east; the other, east by north, deep and more rapid, but in breadth only from thirty-five to forty paces. Along this narrow arm the canoe proceeded three hours, when she reached the *port* of Cabra, where the narrow branch inclines to the east, and M. Caillié concludes it rejoins the main branch at a short distance, forming a large marshy island.* We

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* If the branches and the swamp exist, there is little doubt of their reuniting; but M. Jomard thinks otherwise, and that the smaller branch is no other than the Yeou, which falls into the Tsad, conformably with a preconceived theory of his. Had he looked carefully into Clapperton and Lander, he would have seen that a continuous range of hills runs nearly north and south, from Kashna on one side, and Kano on the other, forming two systems of waters, the one set running easterly into the Yeou, and the other westerly into the Kowarra (Joliba), the tributary streams of both these rivers being crossed by the travellers so as to leave no doubt whatever on their direction and destination. But what surprises us yet more is, that M. Jomard, having written learnedly on the subject of rivers, should not have recollected that it is next to an impossibility for rivers to throw off branches in the upper or middle part of their course, and in a hilly country; and that it can happen only on swampy plains where they reunite on leaving the plain, or

are further told, that, from this port on the narrow stream, 'a little canal leads to the village or small town of Cabra;' and that, 'if the canal were cleared of the grass and nenuphars which choke the passage, vessels of twenty-five tons burthen might go up it in all seasons.' Here Caillié left the canoe, in which he had arrived, for a smaller one, and in this proceeded up the canal to the town of Cabra, 'which is situated three miles to the north of the great port.'

This is something new, and altogether different from every description we have yet had of the position of Cabra. A canal of three miles, if he means an artificial one, in the central parts of Africa, is what we were not prepared to expect; and we had always been led to conclude that Cabra was built on the very banks of the great river Joliba or Niger, as Major Laing will tell us it is, and he visited it for the express purpose of collecting information respecting this very Cabra and the Joliba.

But to proceed. 'The little port of Cabra' (the great port being on the narrow arm of the river) 'extends east and west for the space of half a mile, being about sixty paces broad. It would be a very convenient place were it kept in better order; *but it is very dirty and full of mud.*' 'The distance of Cabra (says Major Laing) is five miles (from Timbuctoo), and it is a *neat town* situated on the *very margin of the river.*' We are not sure, however, whether by the *port* M. Caillié may not mean only the *harbour;* for he says in another place, 'I went to take a view of the interior of the village. The streets are narrow but neat.'

As he remained at Cabra six days, and 'the inhabitants took no notice of him,' he might have afforded some little information concerning a spot which has been so frequently mentioned. On the sixth day, 'the merchants of Timbuctoo came to Cabra to land their goods, mounted on excellent horses.' M. Caillié had forwarded a letter of introduction from the shereef of Jenné to one Sidi Abdallahi, who sent his slaves to bring him to Timbuctoo. This person's house is said to be immediately opposite to that in which

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or at the mouths of large rivers, where they form deltas, as in the instances of the Nile, the Danube, the Orinoco, and a thousand others; but we believe he will have some difficulty in finding one single instance of a river splitting itself into two streams that take contrary directions, without reuniting. Then again, M. Jomard is pleased to doubt, there being no proof, that the river which flows by Timbuctoo is the same river which passes Soccatoo, Youri, Boussa, and Funda. Perhaps he may explain, for we cannot, how Mungo Park arrived and perished at Boussa *in the same vessel* in which he departed from Sansanding, without continuing on the same river. We wish we could say that M. Caillié's statements were as free from doubt as this is. But there is no end to M. Jomard's blundering about rivers. Would it be believed that he *imagines* a lake on the Mandara mountains; that the lake thus imagined throws off *two* rivers, one flowing to the *east* (the Shary), the other, *west* (that which is supposed to join the Joliba at Funda), and *thus* thinks to reconcile Denham's hypothesis of the junction of the Kowarra and the Shary? He talks of physical impossibilities: does he conceive it possible for *two* streams to flow from opposite sides of the same lake; and if so, will he condescend to give us an example?

Major

Major Laing lodged; which gave Caillié an opportunity of being frequently in company of that unfortunate traveller's host, who appeared to be a man full of kindly feelings; 'many a time,' says he, 'he has given me dates out of charity; and the day before I departed, he made me a present of a pair of blue cotton trowsers, to wear on my journey.' From this man, he tells us, he learned a great deal respecting the unfortunate traveller; he told him that the major 'had written down everything in Timbuctoo.' Such a man, we apprehend, must have been fully acquainted, in the course of the six weeks that Laing lived with him, with the whole of his melancholy story; for Laing practised no deception; he appeared what he was, an Englishman and a Christian. Yet it does so happen that all which Caillié reports as gained from this quarter, respecting Laing, is utterly incorrect; and this, among other circumstances, leads us to suspect strongly M. Caillié's accuracy in the general. He tells us that the name of his own host was Abdallahi; but why does he so cautiously conceal that of Laing's host, from whom he received so much kindness? We happen to know this person's name, and if M. Caillié will communicate it to us, it will go far to remove our suspicions, and make us ascribe his many flagrant blunders rather to ignorance, or a treacherous memory, than to the intentional breach of veracity. This is a simple test, and one that he ought to be able to afford. And why, it may be asked, do we lay such stress on the omission of a name? Simply because, among the few proofs which M. Jomard urges in favour of M. Caillié's fidelity, which, it appears, is, after all, very much doubted even in Paris, he has mentioned the name of a person known to exist in Timbuctoo. 'Clapperton,' M. Jomard says, 'does not acquaint us with the name of the reigning prince of Timbuctoo; it was even thought that the authority at that time was in possession of a woman, and when Caillié informed us that the supreme chief of Timbuctoo was named *Osman*, it was not easy to reconcile this report with the preceding;' 'but now,' says he, 'we know from the letters of Major Laing, in the *Quarterly Review*, that *Osman* is the name.' M. Jomard is not strictly correct. The name of Osman was *not* mentioned by Laing, though it was mentioned in the *Quarterly Review* as occurring in the document attesting his murder.

Osman is the lieutenant-governor of the sultan Labo, 'the lord and governor of all these countries;' but whether he was prince, king, or governor, all of which he is named by M. Caillié, he certainly was not what M. Caillié states him to be, 'a negro, —his colour, jet black—his hair, white and curly.' Being a Foulah or Fellata, he was, probably, as white, or nearly so, as

M. Caillié himself. We cannot understand how 'the sovereignty is hereditary, descending to the eldest son,' since the sultan Labo only conquered the country from the Tuaricks, as we learn from Laing, in the year 1826. But M. Caillié is strangely confused in all his statements; for, in the same breath, he says, 'there is no regular government. The king is like a father ruling his children. He is mild and just, and has nothing to fear from his subjects. The whole community, indeed, exhibits the amiable and simple manners of the patriarchs.' When such multitudes frequently meet at this one spot, from all parts of Soudan, from Sego, Sansanding, and Jenné, from Morocco and the rest of the Barbary states, and the Tuaricks and other Arabs of the desert, for the purposes of trade, one might suppose some 'regular government' would be absolutely necessary; and we know the fact to be so. The intelligent servant of the late Mr. Tyrwhit, who travelled with him to Bornou, was sent by Mr. Consul Warrington to Timbuctoo, to inquire after Major Laing's papers; he was at Timbuctoo the very year in which M. Caillié by his own story was there; though he does not appear to have heard anything of the Frenchman; and he distinctly mentions four persons under Labo, being associated in the government of Timbuctoo—one woman, and three sheiks; the name of the woman, Nan Huberé—first sheik, Kabia Fernia—second, Yatheré—and the third, Kaid Bou-Bocker, the same who has been mentioned by Major Laing as Al Saidi Bouboker, and as 'an excellent good man.'

Among other pieces of information which M. Caillié gained concerning Major Laing was, that the latter 'wished to see Cabra and the *Dhioliba* (which is the classical French for *Joliba*); but, as the Tuaricks were roaming about the environs, he determined to *see it* by night. Taking advantage of a *dark night*, Major Laing mounted his horse, and, unaccompanied by a single native, reached Cabra, and *even, it is said*, the banks of the Dhioliba, without accident.' These Tuaricks are a great bugbear to M. Caillié; but we know, from Laing himself, that ere he reached this region the Foulahs of Massina had 'upset the dominion of the Tuaricks;' and from various persons examined at Tripoli, it appears, that in 1828, when Caillié is supposed to have been there, and, even in 1829, the Foulahs still maintained their dominion, and no Tuaricks were found in the neighbourhood, but those who came with salt and other articles of traffic.

The kind-hearted man, with whom Laing lodged, was, undoubtedly, acquainted with the whole story of the attack that had been made on the traveller by the Tuaricks of the desert; and we can scarcely believe, that Caillié could have heard from him that, '*being discovered to be a Christian*, he was cruelly attacked, and

and his assailants continued beating him *with a club* until they thought him dead.' It chances to be perfectly well known that, in the whole of his journey from Tripoli to Timbuctoo, and while at Timbuctoo, Laing openly avowed himself to be a Christian, and wore the European dress; and it is equally certain, from his own report, that all his wounds were *sabre cuts.* 'I have five sabre cuts,' he writes, 'on the crown of the head, and three on the left temple—all fractures, from which much bone has come away; one on my left cheek, which fractured the jaw-bone, and has divided the ear, forming *a very unsightly wound.*' His excellent host, in the course of a six weeks' visit, must, we apprehend, have *seen* those *unsightly* wounds; and having seen them, inquired something about them; at all events, he would not have talked of *clubs*, as Tuaricks only carry spears, swords, and muskets. M. Caillié further states, that 'on his being taken to Timbuctoo, Major Laing healed his wounds by the aid of an ointment which he brought with him from England.' Now, we know from Laing himself, that he did not reach Timbuctoo till the 18th August; and we know also that, on the 10th May preceding, he wrote from Mouctars, where he had been several months, 'that he was recovering from his severe wounds far beyond any calculation that the most sanguine expectation could have formed.'

M. Caillié is equally unfortunate with regard to the murder of Major Laing. 'After journeying five days,' he says, 'on his return, the caravan was stopped by Sheik Hamet, an old fanatic, who insisted on his acknowledging himself a Mussulman'—and here we have a long dramatic dialogue, as to whether the Major should or should not be put to death. We have already shown, that he was murdered on the *third* evening by an Arab sheik, of the name of Bourabouchi, who had been hired as a guide; that he joined no caravan, but went alone with this man and his own servant, who treacherously murdered him near his own residence, being hired, as we shall show, expressly for the purpose of perpetrating this diabolical deed. 'As for the Major's papers and journals,' says this accurate narrator, '*they* were scattered among the inhabitants of the desert.' It may have been deemed prudent to say so; but we have a very different story to tell before we conclude. The geographical commissioners, in their report, are pleased to consider these details, erroneous as they are, concerning Major Laing, as a guarantee for the correctness and veracity of the writer, more especially as these details, they say, were obtained from Major Laing's host.

His own host, however, Sidi Abdallahi, if not his own notes or his treacherous memory, supplied him with contradictory information on other points, of which he appears to be perfectly

unconscious that it is so. Caillié is told by him, in one page, that there was no traffic nor communication by water between Timbuctoo and the country of Haoussa; because, said he, the navigation of the river ceases at Cabra. (tom. ii., p. 316). In another page he says, Sidi Abdallahi informed him, that Haoussa was only a twenty days' passage from Timbuctoo, *descending the river;* and recommended a small canoe in preference of a large vessel, as the passage by it might be made in twelve days, (tom. ii., p. 335). But contradictions of this kind run through the whole book.

M. Caillié, after the fatigues and perils of a long journey, for the express purpose of visiting the far-famed Timbuctoo, remains there just fourteen days; and the following is nearly all he has to say about it, in the way of description, on which we shall make a few comments.

'The city of Timbuctoo forms a sort of triangle, measuring about three miles in ascent. The houses are large, but not high, consisting entirely of a ground-floor. They are built of bricks, of a round form, rolled in the hands and baked in the sun. The streets are clean, and sufficiently wide to permit three horsemen to pass abreast; both within and without the town are circular huts. It contains seven mosques, two of which are large; each is surmounted by a brick tower. The town may contain at most about ten or twelve thousand inhabitants. Timbuctoo and its environs present the most monotonous and barren scene I ever beheld.'

This, with a long and not very interesting or intelligible description of the mosques, conveys pretty nearly the whole of what he has afforded us respecting this city; but, for the better understanding of the reader, he has given a view of it—and such a view! What could M. Jomard have been about, when he suffered his countrymen to be insulted by so obvious an imposture?—a thing that is asserted to represent to the eye what could not, by any human possibility, be seen by the eye. How could M. Jomard, we ask, he who superintended the 'Grand Livre d'Egypte,' which, with all its faults, is one of the most magnificent books, abounding with the most splendid engravings, ever published—how could *he* suffer such a thing to disgrace a narrative in which he has taken so much interest as to write a commentary on it of half a volume? But M. Jomard calls this and two other prints, which, with an unintelligible map, constitute the *Atlas*, 'des esquisses naïves.' Then the 'sort of triangle' in the text, is a parallelogram in this thing called 'a view.' He sketched it, he says, from *two* heaps of dirt or rubbish. 'Many a time have I ascended to the tops of these hills, to obtain a complete view of the town and to make my sketch.' Complete, indeed, he has made it, as every house, from one

one extremity to the other, to the distance of a mile, is visible,—not their tops merely,—but from top to bottom; and all the streets, which cross the spectator's eye, are also to be seen, with people walking and riding in them—just as if a person standing on Westminster Bridge should see every shop-window on the northern side of the Strand; and in all the other parallel streets between it and the New Road, with passengers, carriages, and coal-carts, moving along them;—or, as if one stationed on the Pont Neuf should be able to see the Boulevart Italien, and the gentlemen and ladies eating their ices at Tortoni's. The houses, such as they are, but such as never existed, may be counted, and amount to about two hundred, into which are crammed, by Caillié's account, from ten to twelve thousand inhabitants—that is to say, from fifty to sixty persons in each house, consisting mostly of a ground floor! As to the bricks, shaped like rolling-pins, we say nothing, but that the ingenuity of the brickmakers must be ill-directed in making things so little adapted for buildings.

The amount of population, as stated by M. Caillié, militates against all our notions of this central city of Soudan. It had always been considered to contain within its walls at least one hundred thousand inhabitants, whereas it would now appear to have no walls, and to contain only a tenth part of this number. 'The most moderate estimate,' says Walckenaer, 'gives to it a hundred thousand inhabitants;' and an Arab author of unassailed character says, 'it is the largest city that God has ever created.' Major Laing found it to answer all the expectations he had formed of it, except as to its size, which he states to be four miles in circumference; a space which, if fully built upon, might very well contain the number that has usually been assigned to Timbuctoo.

We know nothing of either the latitude or the longitude of Timbuctoo, except by estimation made from the itineraries of caravans, and the notices obtained by Park. M. Jomard contrives to make the latitude, by the shadow of a style said to have been erected by M. Caillié, 17° 51′ N.; and by the intersection of the itinerary line, from Timé to Timbuctoo, and that of the latter to Fez, 17° 50′ N. We cannot help thinking, however, that *chance* or *coaxing* must have had some concern in bringing the results of these two vague and imperfect methods within so close an approximation as that of *one minute*. M. Jomard, however, finds 'dans ces données une confirmation très-satisfaisante'—super-satisfactory, we should say. Major Rennell and D'Anville had placed it between 19° and 20° north; but after Park's journey, the Major reduced it to 16° 30′ north; we believe it to be still less. With regard to the observation of the style's shadow, nothing is said of it in M. Caillié's text; but in M. Jomard's commentary, we find the following:

following: 'Le 1 Mai, 1828, notre voyageur planta un style haut de 0m.635; il mesura, à midi, l'ombre du style, et la trouva égale à 0m.030:' the calculation from which he states to be 17° 51′ north.*

And now for its longitude, which Major Rennell, from the data furnished by Park and numerous itineraries, has fixed on or near the meridian of Paris,—say 2° 26′ E. of Greenwich. M. Jomard, in order to bring his intersections to bear, finds himself, he says, under the necessity of placing it *six degrees* more westerly, that is, in 3° 34′ W. of Greenwich. By this position of Timbuctoo, the town of Sego, which has actually been ascertained to be about 2° 26′ W., would appear on our charts, if M. Jomard's speculations were adopted, a *whole degree* to the *eastward* of Timbuctoo. How, then, has he contrived to get out of this embarrassing dilemma? Nothing more easy—it was only to throw back Sego from four to five degrees more to the westward, and all would come right; and this he has actually ventured to do, though M. Caillié knows just as much about Sego as he does of Pekin. That position which the first geographer of the age had fixed with scrupulous care, on the most authentic and satisfactory *data*, has been unceremoniously shoved to the westward about 270 English miles, without the shadow of authority, and for the sole motive of accommodating the hypothetical and ill-founded position of Timbuctoo to his own views. We need hardly caution our map-makers against disturbing the well-ascertained position of Sego, as the glaring absurdity, which would be the result, must prevent the adoption of an innovation so unauthorized and outrageous.

M. Jomard, we think, would have done well to omit the style observation, if, indeed, it was ever made, of which we entertain the strongest doubts. When we consider M. Caillié's total want of every sort of instrument, except a pocket-compass,—the cautious and secret manner in which he says he was obliged to make his notes and sketches, (to remove all doubts of which, he exhibits

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* The ostentatious display which the French attach to the most trifling things is strongly manifested in the *getting up* of this work, of which we have an instance in this simple calculation, which hundreds of English midshipmen of twelve or thirteen years of age would perform off hand.

'Je dois (says M. Jomard) ce calcul à l'obligeance de M. le Lieutenant-Colonel Corabœuf, du Corps Royal des Ingénieurs Géographes.

Distance zénithale du bord supérieur du ⊙	2°	26′
Demi-diamètre du ⊙	0	16
	2	42
Déclinaison boréale du ⊙	15	9
Latitude, N.	17	51′

himself

himself in a print)—the necessity and the difficulties of erecting a style perfectly vertical and at right angles to a plane parallel with the horizon—of measuring the shadow, in the present case, the three-hundredth part of a *mètre* (about one and one-fifth of an English inch)—of measuring it, too, at the moment the sun is on the meridian and nearly vertical—the rapidity, as in this case, with which the sun approaches and passes the meridian, at the rate of a whole degree in about four minutes—the difficulty of ascertaining the moment of passing the meridian, unless with a transit, or an azimuth compass, and even with it, without knowing the exact variation (which we do not accuse M. Caillié of knowing)—when we reflect on these difficulties and niceties, we are authorized to set down the result of such an observation, instead of being *très-satisfaisante*, as wholly inconclusive and unworthy of notice.

If we entertain very great doubts whether this style operation be not a mere fiction, we have none in the world respecting what we are now going to notice. On leaving Timbuctoo, and proceeding northward, M. Caillié says they directed their course by the pole-star, but that the camels take the northern course, as if by instinct. They, too, we suppose, are guided by the pole-star. We do not believe a word of these Arabs being directed by the stars. Their camels know the beaten track, and the men look out a-head, when tracks disappear, for certain points of the hills that are well known to them. M. Caillié, however, would have done well to steer clear of the stars, for they have played him a scurvy trick, which either M. Jomard, or the lieutenant-colonel of geographical engineers, who worked out the style observation, ought, in charity, to have prevented. On the 8th May, it seems, they set out at eleven at night.

'La nuit fut chaude et calme; le ciel, qui était serein, nous laissait voir sa voûte étoilée; nous avions devant nous le grand et le petit chariot, qui paraissaient très-près de l'horizon. Ne pouvant dormir sur ma monture, j'observais les astres parcourir leur carrière; je remarquais à l'orient le groupe d'étoiles si remarquable, appellé la constellation d'Orion; je l'observai encore à-peu-près à moitié de sa course, presque à notre zénith; à l'approche du jour il disparaissait et semblait s'ensevelir dans un océan de sable.'—tom. ii., p. 367.

Touching this state of the heavens, thus seen and admired by M. Caillié, we take leave to observe that, on the 8th May, at eleven o'clock at night, on the meridian of Timbuctoo, the Great and Little Bears, or *chariots*, instead of being *very near the horizon*, were very nearly *culminating*, or on the meridian *above* the pole, the four large stars in the tail of the Great Bear having just passed it, and those of the Little Bear approaching it,—some of them nearly *sixty degrees* above the horizon! But this is not the most unfortunate

unfortunate part. With regard to 'that remarkable groupe called the constellation of Orion,' which he 'saw in the East,' we may use a similar and conclusive argument with that of the man in the Critic—'The constellation Orion thou could'st not see, because it was not in sight.' Every part of the constellation of Orion, in point of fact, was during the whole of that night *under the horizon*, having set nearly with the sun, and no part of it risen till about *eight o'clock* the following morning, and consequently it did not wait 'the approach of day' to disappear, for it had never appeared at all! This may serve as a proof of the value of his notes or his memory, and of that degree of accuracy and care with which he recorded 'all his directions in his route,' as M. Jomard assures us he did, 'with a compass by day, and from the stars by night.' What, then, are we to conclude from this? Not, perhaps, that M. Caillié never was at Timbuctoo; but most assuredly that a person who deliberately sits down to publish things which are not only not true, but physically impossible, has little reason to complain if he is discredited, even in stating things which, by possibility, might be true.

We shall offer no opinion whether M. Caillié did or did not reach Timbuctoo—that question we are willing to leave the critics of Paris to decide; but we do not hesitate to say, that, for any information he has brought back, as to the geography of Central Africa, or the course of the Joliba, he might just as well have staid at home. He has to console himself, however, if his book should fail to convince the unbelievers of Paris, with the decoration of the Legion of Honour, and the reward of we do not recollect how many thousand francs, given to him by the Geographical Society, which M. Jomard calls 'une glorieuse récompense, bien justement méritée;' and in the full enjoyment of which we willingly leave him, to proceed to matter of much higher importance, which has been communicated to us from Tripoli.*

It must be in the recollection of our readers, that, in consequence of a letter received by the Sultan Labo, sovereign of the province in which Timbuctoo is situated, warning him against the approach of a certain European traveller towards that capital, and hinting at the policy of his destruction, Major Laing, then resident there, was advised by his friendly host to depart without delay; that a certain Arab, of the name of Bourabouchi, was hired to conduct him on his way; and that, on the third night after their departure, this villain murdered him in his sleep, and took posses-

* Since this article was written, we find that the Geographical Society of Paris has awarded a gold medal, as a mark of its respect, to the widow of the late Major Laing. This, though late, is well and judicious.

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sion of his property. The British consul, Warrington, after a close examination of Laing's servant, on his return to Tripoli, and of other persons from Ghadamis, was satisfied in his own mind that the papers of the unfortunate traveller were still in existence; and in this conviction he was corroborated by having been told by Laing, that, on or before his departure, he would send them to Tripoli, as directed by Lord Bathurst, it being his intention to return by Sansanding to the sea-coast. The consul, therefore, became urgent with the bashaw of Tripoli to take decisive steps for their delivery, if at Tripoli, or, if not, to send proper persons to inquire after them. The bashaw betrayed no want of alacrity in meeting the wishes of the consul-general. Numerous messengers were despatched from time to time to Ghadamis and Tuat, to gain intelligence of these papers; but they either did not return, or brought back no satisfactory tidings. At length, the consul, suspecting that the bashaw was deceiving him, offered a large reward to any one who would bring the papers to him, but still to no purpose. His patience was at last exhausted; and, under the conviction not only that the papers existed, but that the bashaw, if so disposed, had it in his power to obtain them, he struck his flag, and caused it to be notified to the bashaw, that his official relations would be suspended until the said papers were produced. The consul, indeed, had grounds for suspicion that the papers had been in Tripoli for some time, though at what precise period they were brought thither, he had been unable to obtain satisfactory evidence. It would appear, from a deposition of the British vice-consul, Wood, that in the month of June, 1829, he was told by a Moor, that the arrival of Major Laing's papers had been whispered about in Tripoli seven or eight months before that time. We shall soon see, that, in point of fact, they had been concealed in Tripoli since July or August, 1828.

Although our consul had many reasons to suspect that the D'Ghies family were privy to the whole transaction, and that the letter, which eventually led to the murder of Major Laing, issued from that quarter, as well as a former one to the sheik of Bornou, instigating him to dispose of Clapperton and Denham, no direct evidence could be obtained to establish the fact. At last, however, while things remained in this doubtful state, and the intercourse of our consul with the palace had been suspended, the bashaw intercepted four letters from Ghadamis, which were addressed to Hassuna D'Ghies, the elder son of his prime minister, and who in fact was acting as minister for his father. It was observed that these letters deeply excited the attention of the bashaw. He dismissed his attendants, and retired with them into his private apartments; and the next day sent secretly a confidential

fidential agent to Ghadamis, the return of whom seems to have put the bashaw in possession of the whole facts of the case.

On the 5th August last, at a visit which Dr. Dickson, an English surgeon, who has long resided at Tripoli, paid to the bashaw, the latter told him that he had it at last in his power to account for Major Laing's papers; that a certain person from Ghadamis had delivered them to Hassuna D'Ghies, by whom they had been handed over to Baron de Rousseau, the French consul; that several of these people, who were acquainted with the whole affair, were on their way to Tripoli, and that on their arrival he would prevent them from holding any communication with Hassuna, or any other person, before they had undergone a public examination.

A few days after this, (the 9th of August,) Hassuna D'Ghies, having received a hint of what was going on, took refuge in the American consulate, from whence he was conveyed the same night, and in disguise, on board an American vessel then in the road, which, on the following morning, put to sea. On the same night, Mohamed D'Ghies, the brother of Hassuna, took refuge in the French consulate, having previously made a written deposition before Sidi Bey, the bashaw's son, in presence of the governor, Haggi Massen, that his brother had told him, before he fled, that the papers which were brought to Tripoli by some person or persons from Ghadamis, and delivered to him, were those of the late Major Laing; and that he, Hassuna, had given them to the French consul for a valuable consideration.

It had been observed that, about five o'clock of the same evening, M. Rousseau had gone to the house of the brothers D'Ghies, where he remained to a late hour—a circumstance which, connected with the flight of the two brothers, was construed into a suspicion that M. Rousseau was, at least, deeply interested in the inquiry about to be instituted; and this suspicion was further increased by a report that the consul had previously endeavoured, but without success, to persuade the commander of the French corvette, 'l'Emulation,' to receive Hassuna D'Ghies on board that vessel.

On the 12th of August, at the request of Mr. Consul Warrington, the consuls-general of the Netherlands, Denmark, Sweden, and Sardinia, proceeded to the French consulate to make a demand of the papers deposed to have been received by M. Rousseau; and also that Mohamed D'Ghies should appear before the bashaw in presence of the said consul. M. Rousseau replied, in substance, that he was surprised that Mr. Warrington should dare to accuse him of being the receiver (*receleur*) of Major Laing's papers; that he ought to prove what he alleged; that he should

should prosecute him before the French tribunals; and that Mohamed should not leave his protection. This last declaration he, indeed, modified, by saying that Mohamed D'Ghies might go where he pleased of his own free will; but that, in no circumstances, he should be compelled to go.

On the same day, (probably at the invitation of M. Rousseau,) the Dutch, Sardinian, Swedish, and Danish consuls-general met again at the French consulate, for the purpose, as it would appear, of asking Mohamed D'Ghies whether he recognised the declaration, purporting to be written and signed by him, respecting the disposal of the papers, as being his own writing and bearing his signature. Mohamed answered that the document in question was *not* in his writing, and that the signature attached to it was *not* his signature; and a *procès-verbal* to this effect was accordingly ordered to be drawn up. But while this was going on, Mohamed retired into an adjoining room, and having asked for ink and paper, sat down to write a letter, the purport of which we shall presently see.

Immediately after this meeting, the consuls waited on the bashaw, to represent to him that the authenticated Arabic document, which his highness had ordered to be delivered to the British consul-general, had now been declared by Mohamed, in their presence, to be a forgery. The bashaw immediately replied, that such a retractation could have been influenced only by fear; for that his son, Ali Bey, had just received from Mohamed a letter, written at the French consulate, (which he produced,) that would account for his conduct, and explain the grounds on which he had been induced to retract his first deposition. That no doubt might be entertained as to this being the identical letter written by Mohamed in the French consul's house, the Mameluke was produced who had received it from the writer in that house, and carried it immediately to the bashaw's son, Sidi Ali. The letter is as follows:—

'You must know, Sir, that you have heard I am going away with the French consul. By the name of the Supreme God, it is not true. And to-day came to me the consuls of Holland, Sardinia, Denmark, and Sweden; and they brought to me my written declaration, in which it is stated that my brother had the papers of Major Laing, and that he gave them to the French consul. I was ashamed to avow it, because on the night I fled hither, the French consul would not receive me till I gave him my signature that I knew nothing of these papers. I did so, because I was afraid he would not receive me; and for this reason, when the consuls came, I denied everything, because I thought everything was secret. 'I salute you,

'(Signed) 'Mohamed D'Ghies.'

Addressed to 'Sidi Bey Ali.'

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This confession was confirmed, on a subsequent day, before the whole divan of Tripoli and the corps of European consuls, in presence of Mohamed himself, who made his appearance, on a solemn assurance being publicly given, that neither the bashaw nor the British consul would prosecute, or in any way molest him, the said Mohamed, whatever the state of the case might be proved to be, the sole object ofthe inquiry be ing to ascertain the real truth. Mohamed now stated—

'that the first deposition he had made respecting the papers of Major Laing was strictly true; that the French consul had inveigled him to give other depositions that were untrue; that he was obliged to do so, in order to obtain the protection of the French flag; that the words he spoke in the consulate of France to the other consuls are null and void, as he said them through fear; and that he denied his writing and signature through shame of being in the presence of the French consul, and in his own house. MOHAMED D'GHIES.'

This document was legalized by the Bey Ali, the bashaw's heir, and the whole divan, and acknowledged by all the consuls present, as an authentic, official, public, and legal act.

On the 16th August, the Ghadamites, sent for by the bashaw, arrived, and were immediately examined before the divan and the European consuls. They consisted of two sheiks, one cadi, and nine others. One of them, young Babani, (the son of Laing's first guide,) deposed, that he carried two or three letters and some bills, drawn on the consul by Major Laing, from Ghadamis to Tripoli, and gave them to Hassuna D'Ghies, who said, there must be other papers, and desired him to go back and inquire for them; that he mentioned this to Hadeer, who produced two packets, covered with cloth and sealed with red wax, which he gave to a courier, named Sartoog, to carry to Tripoli. The brother of Babani confirmed this statement. The Cadi deposed, that Sartoog, on his return from Tripoli, told him he had delivered the packets to Hassuna D'Ghies. Again, a merchant of Ghadamis, trading to Timbuctoo, deposes, that he knows Hadeer, the nephew of the late Babani; that he saw him receive from Major Laing, at Timbuctoo, certain letters and bills on the consul, together with two large packages of papers sealed up.*

The bashaw, who was present at the examination of these Ghadamites, sent off a courier immediately to bring down this Sartoog to Tripoli. Accordingly, on the 15th September, Sar-

* Major Laing had written to his father-in-law from Timbuctoo, that he should send to Tripoli his papers and journals by Hadeer, the nephew of Babani, as he meant to return by Sego or Sansanding. It may here be remarked, that even the *bills* drawn on the consul were kept many months in Tripoli, before they were presented for payment.

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toog Zantoni arrived, and in presence of the consuls, Captain Quin, of his Majesty's ship Pelorus, and Sidi Bumais, acting minister of the bashaw, deposed in substance as follows:—that, about thirteen months ago, he received, at Ghadamis, from the hand of Hadeer, two packages, which he described as about fourteen inches long and seven inches thick, inclosed in a sort of cotton cloth of Fezzan, and sealed with red wax; that he brought them to the house of Sidi Hassuna D'Ghies in Tripoli, and did there and then deliver them into the hands of Sidi Hassuna D'Ghies, being ordered by Hadeer not to give them to any other person; that the said Hassuna paid him fifteen dollars, and gave him dates and bread for the journey back; that he kept them close in his own house, and told him not to speak to any one; and after remaining with him two days, was ordered by him to leave Tripoli without delay. Being asked, if these packages were directed in Arabic, he answered they were not, but in a foreign language.

This chain of evidence we consider to be decisive as to the guilt of Hassuna D'Ghies. The papers are proved to be those of Laing, and, from the size mentioned, were, no doubt, the journals and the historical records which he mentions as transcribed by himself in Timbuctoo, on foolscap paper.

Nothing could be more praiseworthy than the exertions of the whole corps of European consuls in Tripoli, especially the consul of the Netherlands, to get at the real truth, more particularly as to that part of the charge which affected the character of their colleague, the Baron Rousseau. The conduct of Mr. Coxe, however, the American consul, does not appear, by the papers we have received, to be deserving of any such commendation. His exertions were employed only to rescue from justice a man implicated in a charge of murder and robbery. This consul, in spite of the protest of the bashaw, and the remonstrances of Hassuna's father, the old minister, and the British consul, smuggled the accused on board an American vessel; what interest he had in the rescue of this man could not be understood by the rest of the consuls. The vessel anchored before Tunis; and it was reported, that Hassuna was proceeding to England, by order of the bashaw, to clear himself of certain charges brought against him by the British consul. His friends were anxious he should land; but, having learned that Mr. Dupuis, the vice-consul of Tripoli, had just arrived, he declined going on shore, and was under great anxiety that the ship should proceed. The captain, Parker, declared his ignorance of the case, being told by the consul, that he had given the man the protection of the United States' flag, and already explained to his government the line of conduct which he had pursued

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Mr. Coxe, however, has since made the *amende honorable*. We have before us the copy of a letter, which he has addressed to Mr. Consul Warrington, dated so late as the 20th November last, of which the following is an extract:—

'I have been most perfectly deceived and treacherously imposed upon in the affair of Hassuna D'Ghies, of which you are aware, and which I really feel it my duty to acknowledge. From the documents which have been exhibited to me, I can now fully declare that I am thoroughly convinced that the said D'Ghies did receive the papers of the unfortunate traveller, Major Laing, here in Tripoli. During my late visit to Leghorn, Genoa, and Mahon, I found the public opinion strong and fixed, that these papers are in existence, and are now in possession of *a certain personage* whom delicacy forbids me to name. . . . It is now most evident, that his declared intention of going to England, which he swore to on his open Koran before me, the captain, and the principal officers of the Fairfield, was merely to facilitate his escape. All further information I may obtain concerning this most infamous and diabolical intrigue will be forthwith communicated to you. Hassuna D'Ghies left Mahon only three days before I got there, and went to Malaga, as I was informed by Commodore Crane.

(Signed) C. D. Coxe.'

It may be asked what motives or object could have induced Hassuna D'Ghies first to give strong suspicion of having conspired against the life of Major Laing,—and secondly, to exhibit such ardent though cautious zeal to get possession of his papers? A short retrospect will perhaps enable us to explain this mystery. At the end of the late war Hassuna's father sent him for his education to France, where he was received into the best society. He then came over to England, where, as is usually the case among the children of John Bull, very little notice was taken of him. One object of his visit was to induce the British government to procure the liquidation of a debt which the Spanish consul at Tripoli had contracted with his father, the old minister,—a matter in which, of course, our ministers refused to interfere. Hassuna, therefore, left this country with feelings by no means favourably disposed towards it,—and these feelings, on his return to Tripoli, he took no care to conceal. From his relationship by blood with the Bashaw's family, as well as from his numerous and powerful connexions in the interior, more particularly at Ghadamis, the frontier town and chief commercial station between Tripoli and Timbuctoo, his influence was paramount. At his recommendation most of the public officers at Ghadamis were appointed, and among others Sheik Habeeb, the very man who, with Hadeer, when at Timbuctoo, recommended Laing's murderer, the Arab Bourabouchi, to be his guide.

Thus, then, the means of mischief were fully within Hassuna's reach;

reach; and a Mussulman Arab is not very scrupulous in employing these, sometimes on the slightest occasions. Treacherous and vindictive, he is wholly regardless of truth and justice, and even of human life, when stimulated by interest or a thirst for vengeance. An Arab of this race (who boasts his descent from the Prophet) will talk of the murders he has committed with the greatest coolness and familiarity. The old bashaw, when speaking of Hassuna's perfidy, observed, that he was unlike most men, and reserved for a peculiar fate; 'for,' says he, 'when I murdered my elder brother, his mother was so alarmed that she gave birth to a seven months' child, and that child is Hassuna.'

It may here be mentioned that the whole family of D'Ghies had been very much enraged against our consul, because a sum of money was not given to them as was done to the bashaw for the protection of Denham and Clapperton; and that, were all other evidence wanting, the character of Hassuna might be guessed by a circumstance mentioned in the papers sent to us, namely, that he sold some clothes and other articles, which he had undertaken to convey to Timbuctoo for the use of Laing,—pocketed the money—and, being convicted of this fraud, went on his knees before the British consul, supplicating forgiveness. It may also be stated that every delay and obstruction were purposely thrown in the way of Laing, with the view of extorting money from him; and that all the persons who accompanied him, and who, it would now appear, were accessary to his first attack and subsequent murder, were the friends of Hassuna. It is stated, in one of the Major's own letters, that he found himself surrounded with treachery from the moment he left Ghadamis.

Among the motives which might have made Hassuna anxious to get possession of Laing's papers, was the vast importance which he knew the British consul attached to them; but he had also another and perhaps a stronger motive:—having intercepted Laing's letters to his wife and father-in-law, he must have gathered from them that his villainy had been penetrated by the English traveller;—that Laing had discovered the treachery of old Babani, whom he had recommended as a guide; and inferred that the Major's papers would undoubtedly expose all this black affair.

We understand that our ambassador in Paris was instructed to demand from the French government an investigation of the conduct imputed to Baron Rousseau; and that a commission was appointed to inquire, accordingly, into the transaction. The accused was the only witness to examine; and having heard the charges and his own defence, the commissioners arrived at the conclusion, that it is *very improbable* the papers ever came into Hassuna D'Ghies' hands; and that the imputation, as regards the Baron

Baron Rousseau, is *wholly without foundation.* Our conclusion, we must confess, is very different as regards both these persons. So far from its being improbable, we think that it is morally certain, that Hassuna D'Ghies, by fraud and perfidy, did obtain possession of the late Major Laing's papers. The commissioners may say, as we understand they do, that the flight of Hassuna proves nothing; that, in the most civilized societies, persons accused of crimes have frequently, though quite innocent, been recommended to have recourse to flight. We apprehend this is not very common in 'civilized societies;'—without doubt, when the thing does occur, it is considered, if not a proof, at least a strong presumption of guilt. If M. Pouqueville defends Hassuna's flight on these grounds, he cannot, of course, be expected to condemn M. Rousseau, who connived at, if he did not actually aid, the Mussulman's escape.

But admitting Hassuna to be guilty, what object, it may be asked, could make Baron Rousseau so anxious about getting possession of Major Laing's journals? We are free to confess, that the only motive, as far as we can discover, imputed to him, is one very inadequate to the risk he incurred of loss of character—the ambition of publishing the contents of the said papers in his own name. It seems he had already been dabbling in oriental literature, chiefly Arabic, and has been charged, with what truth we know not, of appropriating the labours of a young man in Syria to himself. It further appears, that he had mentioned at a breakfast, in October, 1828, on board a French corvette in the harbour of Tripoli, that he was then publishing in Paris a work on Timbuctoo, the first number of which was at that time in the press. Again, it so happened that the murder of Major Laing was first communicated in a Paris paper, called *L'Etoile*, the editor of which is said to have received the account of it from M. Rousseau, but of which intelligence M. Rousseau had made no mention to the British consul, who, of all others, was most deeply interested in the fate of the deceased. In the Bulletin (of July, 1828) of the Geographical Society of Paris, a letter of M. Rousseau stated that he was expecting some important papers relative to the interior of Africa, which had arrived at Tuat. At the date of these letters, the British consul had every reason to believe that the journals and papers of Major Laing were either at Tuat or Ghadamis, and was naturally surprised that M. Rousseau should not have mentioned the circumstance to him. These papers Mr. Consul Warrington took for granted could be no others than those of Major Laing. The writer says, 'I have found a tolerable good copy of the travels of Ibn Batouta, and hope very soon to be in possession of the history of Timbuctoo, by

by Sidi Ali Baba d'Arouan, *que j'attends* from Tuat.' The phrase *que j'attends* is equivocal, and may be applied either to the *person* or the *thing;* and the consul, reading it as applicable to the former, supposed this Sidi Ali Baba to be some person under a feigned name, purposely coupled with that of a well known author, to avoid raising any suspicion. A long examination took place, to discover to whom the name could possibly allude, except to some one entrusted with Laing's papers; nor does the supposition appear much strained, Major Laing having thus written from Timbuctoo—'I have been busily employed, during my stay, searching the records in the town, which are abundant, and in acquiring information of every kind; nor is it with any common degree of satisfaction that I say my perseverance has been amply rewarded.' The inquiry made after this person at Tripoli by the consuls is ridiculed in the report of the French committee, wherein it is asserted that this Sidi Ali Baba d'Arouan is no other than a writer of the fifteenth century. We are not so sure of this. No such name or title of a book (which, by the way, should be El Arouanee) is to be found in any of the catalogues in the Bodleian Library, the British Museum, or the East India College, or in the catalogues given by Burckhardt; nor is it known to any of the three professors of Arabic in the Universities of Oxford and Cambridge. The mere assertion, therefore, of M. Rousseau or the commission, is by no means satisfactory; unquestionably the consuls were fully justified in making the inquiry.

However innocent these literary proceedings of M. Rousseau might be, and we feel disposed to consider them as being so, they were unfortunately combined with others, which tended to give them more importance, perhaps, than they deserved. It had long been observed, that M. Rousseau and Hassuna had frequently been together; that their meetings were conducted with great caution and mystery, and sometimes protracted till late at night. No one doubted that, at this time, Hassuna had possession of, or power over, Laing's papers. About this time, also, M. Rousseau was engaged in publishing a paper on African subjects, at Tripoli, under the name of the 'Investigator.' All these circumstances threw a suspicion on the French consul, which the sudden escape of Hassuna, with the deposition of Mohamed, and his seeking protection in the French consulate, were not calculated to remove.

We are not disposed to lay much stress on the prevaricating depositions of Mohamed D'Ghies. The material fact, however, to which he deposes, namely, the abatement by M. Rousseau of 40 per cent. on a debt of 60,000 francs, due by Hassuna to some French subjects, is said to be fully admitted in the 'Report;' but it is added that the negociation took place in the spring

of 1827, and could not, therefore, have any connexion with Laing's papers. Major Laing was murdered in September, 1826. Previous to that, however, Hadeer had set out from Timbuctoo with the journals and papers; and he might have reached Ghadamis before the end of the year; for Mahomet, the servant of the late Mr. Tyrwhit, who died at Bornou, was sent by Mr. Warrington to Timbuctoo, from whence he returned to Tripoli in *sixty* days, and the journey *may* be performed in forty days. It has been deposed that these papers remained in Ghadamis nine months, and in Tripoli thirteen months; this carries us back to the end of the year 1827. There is no obvious impossibility, therefore, that they might have been the subject of negociation from the moment that Hassuna knew them to be in his agent's hands.

Another point in the defence of M. Rousseau is, that the *last* retractation of Mohamed annuls all that man's *former* depositions. This dogma, however, unfortunately will not avail him, as it appears that this Arab, after M. Rousseau's departure, voluntarily, and of his own free will, before the whole divan, and the European consuls, solemnly re-deposed to the truth of his first deposition, adding, that he had at least signed his name to six different documents in the French consulate, at the urgent request of M. Rousseau, and always at night. If this be true, there must have been a connexion subsisting between the house of D'Ghies and the French consul, which seemed to require concealment; but, as we have said, we place very little reliance on the prevaricating testimony of this Mussulman Arab.

It is asked in the 'Report,' why Hadeer, who has played so conspicuous a part, was not brought up from Ghadamis and examined; and why not the courier, who is stated to have brought down the packages to Tripoli? Hadeer and Habeeb *were* both ordered up, but on the receipt of a communication from Hassuna, *both* had fled to Timbuctoo; and, as we have seen, Sartoog, the courier, *was* brought up, and gave a most clear and decisive evidence that he delivered the packages to Hassuna.

It is very unfortunate, that the name of a gentleman in Baron Rousseau's station in life should be thus mixed up with a transaction in which good faith, justice, and humanity have been so grossly violated; and we most sincerely hope that his innocence may be established on a firmer foundation than the report of an inquiry, where the accused was the only evidence, and which was held, not in Tripoli, but in Paris. His innocence, however, appears to us to have been brought in question entirely by his own injudicious conduct: in (vainly) applying to the captain of 'the transport corvette, l'Emulation,' to receive Hassuna D'Ghies on board,—in making not the least effort to prevent

prevent the subsequent escape of this person, on board the American corvette,—in giving protection to Mohamed when his brother had fled from justice—in not attending, and confronting this man, at the meetings held by his brother consuls—in privately obtaining Mohamed's signature to papers, witnessed only by two or three obscure persons, to which M. Ruiz, the French chargé d'affaires, is stated to have refused his name, because the consul would not allow him to *read* the papers he was required to *sign* ;—and, above all, in striking his flag, and hastily embarking in an imperial brig for Marseilles, in the very midst of the inquiry that was then going on. These proceedings could not fail to leave, on the minds of the rest of the European consuls, an impression not very favourable to M. Rousseau ; and though we are unwilling to believe that the charges brought against him are true, and think it quite obvious that they have not been proved, yet we are compelled to dissent from the 'Report,' which is said to declare that there is not any *foundation* for them. Foundation there unquestionably is ; and if M. Rousseau should flatter himself, that the opinion of such a person as Pouqueville is sufficient to acquit him, in a case where an Englishman and a Frenchman are concerned, he deceives himself; and we would strongly urge him, for the sake of his own character, to return forthwith to Tripoli, where we have very little doubt he may have an opportunity of confronting his accuser, and also the brother, who by this time has probably found his way back. Nothing short of this, M. Rousseau may be assured, will enable him to stand blameless in the eyes of the world. Besides, he may be perfectly satisfied that the matter is not yet ended. Anxious to obtain the real state of the case, the bashaw and the consul Warrington have granted an amnesty to Hassuna D'Ghies, guilty or not guilty, provided he will return, and honestly declare the truth, and the whole truth, which, if in the Mediterranean, Mohamed has undertaken to convey to him.

We are sorry to conclude with saying that, after what has happened, we have little doubt Major Laing's valuable documents have been destroyed, or, if still in existence, that they will never see the light; for he must be a bold man who would now venture to publish them, at least in any other name than that of their rightful owner.

ART. VII.—1. *Report from the Select Committee on Promissory Notes in Scotland and Ireland.* London. fol. 1826.
2. *The Currency Question freed from Mystery.* Lond. 8vo. 1830.

NOTHING can be more unfair and uncandid than the imputations which are thrown upon those who call for the revision of our monetary system; while their motives are unjustly impugned, their objects and views are wilfully and grossly misrepresented. They are accused of wishing to lower the present standard of the pound sterling; and, by that means, to commit a fraud upon the public creditor. That, among the mass of those who desire the re-consideration of the laws affecting the currency of this country, there may be some persons who go to this extent, we will not undertake to controvert: but, be this as it may, we feel quite certain that the great majority of them are actuated by very different views and opinions. They will not consent to be ranked behind their antagonists in the desire to do what is just and equitable: but while they are willing that every creditor, either of the public or of individuals, should receive the full amount of what he is entitled to claim, they are equally determined, as far as in them lies, to protect the whole body of debtors against unjust exactions.

But those who call for the re-consideration of our monetary system do not require any change in the standard of value; they do not desire that the weight of the sovereign should be diminished, or that the metal of which it is fabricated should be debased: all they propose is, the emancipation of the circulating medium from the fetters by which it is now cramped; they merely ask that the principle of freedom which has been applied to other trades should be allowed to regulate the money system of the country; and that every individual should be at liberty to use either gold or paper, according to his own discretion. They ask government to place the system of banking upon a secure basis, and to permit establishments of undoubted solvency to circulate, at least, a limited amount of one-pound notes. If it be practicable to frame arrangements which secure the holders of these notes from every chance of loss from the insolvency of the issuers, we conceive that the only tenable objection to the measure must be at once removed. It has not, as far as we know, been contended that the circulation of one-pound notes is an evil in itself. It is, then, only an evil when it exposes the holders to a probable loss; but if means can be devised to remove this insecurity, every reasonable objection to this species of circulation will, we apprehend, entirely vanish.

An idea seems, indeed, to be prevalent in some quarters, that a one-

one-pound note circulation has a necessary tendency to encourage rash speculation, and to produce commercial panics. In this, however, we apprehend there is much misconception. The history of every commercial community affords abundant evidence that speculation can be pushed to a vast extent, in places where this species of currency does not exist: speculation depends upon the enterprise and credit of traders, and not upon the medium of exchange which they may use in their transactions. It must, indeed, be acknowledged, that where the paper money in circulation rests upon the mere credit of individuals, and not upon deposits of capital of equivalent amount, it will greatly aggravate the evils of any panic brought on by over-speculation. But to obviate this inconvenience, it is not necessary to dispense altogether with the use of paper money: the proper remedy is, to strengthen the foundation on which the credit of this paper money rests. Under the system of banking which prevails in this country, the evils arising from commercial alarms are necessarily much enhanced by the existence of every species of bank paper payable on demand. Those persons, therefore, who contend that the suppression of our one-pound note circulation is calculated to render panics less frequent and less injurious, stop short of the point to which their argument should unquestionably conduct them. In order to be consistent, they ought likewise to call for the suppression of all other negotiable notes payable on demand; for, in times of commercial distrust, the holders of these larger notes are as likely to create what is called a run upon the banks which issued them, as those who hold one-pound notes. If, however, the privilege of issuing negotiable notes were granted to banks only on terms which would remove all doubt from the public mind as to the solvency of these establishments, a run never would practically take place; the holders of these notes, knowing that they ran no possible risk of loss, would be no more disposed to rush with them into the different banks to be converted into cash, than to run with a sovereign into the Mint to have it exchanged for bullion. The cause of every run upon banking establishments is the fear which, from whatever unforeseen cause, seizes the public mind that they may not be solvent. Let the ground of this fear be effectually removed; assure the public that, as far, at least, as concerns the notes circulated by a banking establishment, it cannot prove insolvent, and these runs would never take place.

That a system of banking might be organised in this country, which would practically remove every danger and inconvenience attendant upon the issue of one-pound notes, is a fact capable of being demonstrated by the evidence of actual experience. It has already been put to the test in one part of his Majesty's dominions,

nions, and has been found to stand its ground, unaffected by the violent and sudden fluctuations which, at various periods, have taken place in the transactions of trade and commerce. We need not tell our readers that we allude to Scotland, where the circulating medium (with the exception of silver for *change*) consists wholly of paper, and where a sovereign, as a current coin, is rarely if ever seen. But although it be well known that paper-money forms the whole circulating medium of Scotland, we are inclined to suspect that the principles and effects of the banking system of our northern neighbours are not generally understood, or, at least, not generally appreciated, in this part of the empire. Nothing but the want of adequate information as to this subject could have led to the attempt which was made, in 1826, to meddle with the banking system of Scotland, and deprive the inhabitants of that country of institutions, under the protection of which they had reached, and continued to enjoy, a high degree of public as well as private prosperity. Our wary neighbours, however, led on by the redoubted Malagrowther, successfully resisted the attempts of the Treasury to force upon them the use of a metallic circulating medium, and, by that means, secured themselves (in as far as the intimate connexion of the two countries could permit) against the difficulties and inconveniences which the change effected at that period in our monetary system has entailed upon the inhabitants of this part of the island.

An impression prevails very generally on this side of the Tweed, that the superior stability of the Scottish banking system rests upon the proverbial sagacity and wariness of the inhabitants of Scotland, and not upon any peculiarity inherent in the system itself. From this it is inferred, that a circulating medium which has been found safe among our northern neighbours, would be attended with danger and insecurity if adopted here. This, however, appears to us a mistake. The security of Scottish banking arises from the general principles on which the system has been organised, and not from anything which is peculiar either to the character or the habits of those by whom its operations are conducted. If adopted elsewhere, these principles would, we feel persuaded, be attended with similar results: hence it becomes important to point out their nature and trace their effects. The necessity of calling public attention to the true principles of banking will now become every day more urgent; inasmuch as the approaching termination of the charter granted to the Bank of England will present the legislature with a favourable opportunity of revising and re-modelling at least the banking branch of our monetary system.

No reasonable man can doubt that the imperfection of the system

system of banking, as practised in this kingdom, has been occasioned by the impolitic monopoly conferred upon the Bank of England. Under the original provisions of the charter granted to that great company, no bank could be formed in this country which consisted of more than six partners. This restriction is perfectly indefensible in point of principle; and in practice it has proved, in a high degree, detrimental to the interests of the public; while it has not probably been productive of any real advantage to the proprietors of bank stock. In 1826, the Bank Directors were induced to wave this exclusive advantage, so far as to allow banks consisting of any number of partners to be established in any part of the kingdom distant, at least, sixty-five miles from the metropolis. We take it for granted that those who represented the interests of the Bank on this occasion meant to act fairly by the public: having secured a continuance of their monopoly in London, and throughout a district extending sixty-five miles every way, they were, we presume, willing that the trade and business of banking should be at once set free from all shackles in every other part of the country. That this was the spirit and intention of the arrangement then entered into between Government and the Bank we cannot for a moment doubt. The object of the minister was to encourage the formation of joint-stock companies with large paid-up capitals, and, by that means, to put banking, throughout the country, upon a safer and more permanent footing. It was, therefore, expected that, in the larger provincial towns, capitalists would eagerly avail themselves of the opportunity which was thus opened to them for entering upon the business of banking. But the anticipation then formed has been but very inadequately realised; the intentions of the legislature have been frustrated by certain impolitic clauses, which were allowed to creep into the act passed for the relaxation of the Bank charter: very few joint-stock companies have been subsequently established for the purposes of banking; and consequently the public have hitherto derived but little practical advantage from the concession then made by the Bank of England.

The clause which has chiefly contributed to render this act nugatory, is that which enacts that every partner in a joint-stock company, formed for the purpose of banking, shall be responsible, not only to the extent of the shares for which he subscribes, but likewise to the whole amount of his private fortune. This clause was introduced no doubt with the best intentions,—its object being to render joint-stock banks as stable and worthy of public confidence as possible. But there can be no doubt that, however well meant, its practical operation has been highly injurious: it stands as a bar in the way of forming such institutions; and until it be repealed, we see no ground

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to expect that many joint-stock banks will be established in this country. Few persons are likely to be found, who, for the sake of a small dividend on shares held in a joint-stock company, will place in jeopardy the whole of their fortunes. The premium in this case is by no means adequate to the hazard. Where the number of partners in a bank is limited, and the amount of profit falling to the share of each is consequently large, individuals will be found willing to incur this responsibility: the advantage to be expected being of sufficient magnitude to counterbalance the risk. The public would, perhaps, be in some cases more secure, if joint-stock companies for banking could be formed of a large number of shareholders, jointly and severally responsible for the engagements of the establishment, to the full amount of their fortunes; but the question here is, not what is best in theory, but what is attainable in practice. To a joint-stock company so constituted, we have no possible objection. Our objection is to making this principle a condition, without which such institutions cannot be established, because we feel a conviction that this throws a very great, and, as we conceive, unnecessary obstacle in the way of their formation. Experience has rendered it abundantly clear that a joint-stock company, possessing a paid-up capital of adequate amount, offers to the public an ample warranty for its solvency. If the subscribed capital of such an institution be fully sufficient to guarantee its creditors against every chance of loss, the public can derive no advantage from involving the shareholders in any additional responsibility. There are five banks in Edinburgh. In two of these (the Commercial Bank and the National Bank of Scotland) the partners are responsible for their engagements to the whole extent of their fortunes. The former possesses a paid-up capital of 600,000*l.*; the latter has a capital of 500,000*l.* The other three banks have been established by charter, and the partners are absolved from all responsibility beyond the amount of capital actually subscribed and paid up. Two of these chartered banks (the Bank of Scotland and the Royal Bank) have a capital of more than a million sterling each, while the third (the British Linen Company) has only half a million. It is notorious to every person acquainted with the transactions of these institutions, that these three chartered banks enjoy as much credit and public confidence as either of the two other banks, in which the united properties of the partners, amounting probably to ten millions sterling, are responsible for their engagements. It deserves also to be mentioned, that although the British Linen Company appears to offer the least security to the public, still it enjoys as much credit, and transacts proportionally as much business, as any of its four rivals. The experience of a long series of years has

has fully proved, that a capital not exceeding half a million sterling, managed by a board of directors who lay annually before the shareholders a detailed statement of its affairs, is amply sufficient for the operations of the institution. All that the public want is to be safe. The creditors of a bank cannot draw out more than they paid in, however large may be the capital possessed by the partners. In short, it has been found in practice, that the personal responsibility of the shareholders in the two Edinburgh banks established without a charter, yields no benefit either to the banks themselves or to the public at large.

The proceedings of large joint-stock companies, under the management of a board of directors, are necessarily more steady and uniform than those of private copartnerships. They are conducted upon general principles, which reduce contingent risks almost to a certainty; and if the capital subscribed be fully adequate to this risk, the interests of the public are amply protected. But although we regard chartered companies as, upon the whole, much better adapted for banking operations than mere copartnerships, we must not be supposed to recommend that these charters should be granted, except where the capital paid-up and embarked in the undertaking are considered of sufficient amount to guarantee the public against the chances of insolvency.

In the report named at the head of this article, we are told that—'the first notice of banking in Scotland which occurs in the statute book is an act of King William the Third, passed in the year 1695, under which the Bank of Scotland was established. By this act, *an exclusive privilege* of banking was conferred upon that bank, it being provided, "that for the period of twenty-one years, from the 17th of July, 1698, it should not be lawful for any other persons to set up a distinct company of bankers within the kingdom of Scotland, besides those persons in whose favour this act is granted." *No renewal* of the exclusive privilege took place after the expiration of the twenty-one years.

'The Bank of Scotland first issued notes of twenty shillings in the year 1704; but the amount of notes in circulation previously to the Union was very limited. In that year, a charter of incorporation was granted to certain individuals named therein, for carrying on the business of banking, under the name of the Royal Bank; and subsequent charters were granted to this establishment enlarging its capital, which now amounts to one million and a half.

'An act passed in the year 1765 is the first and most important act of the legislature, which regulates the issue of promissory notes in Scotland. It appears, from its preamble, that a practice had prevailed in Scotland of issuing notes which circulated as specie, and which were made payable *to the bearer on demand*, or payable, at the option of the issuer, at the end of six months, with a sum equal to the legal interest from the demand to that time.

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'The act of 1765 prohibits the issue of notes in which such an option as that before mentioned is reserved to the issuer. It requires that all notes of the nature of a bank-note, and circulating like specie, should be paid on demand; and prohibits the issue of any promissory note of a sum less than twenty shillings.'—p. 3.

From the evidence laid before that committee, it appears also that the present system of Scotch banking did not take root until the monopoly of the Bank of Scotland was abolished, and the Royal Bank established. The English government suspected the Bank of Scotland of having favoured and assisted the Jacobites in 1715; and on this, perhaps, more than on any other account, promoted the formation of a rival establishment. But whatever were the motives which led to this measure, its consequences have been highly important and salutary. From the same document it appears that—

'there are at present (1826) thirty-two banks in Scotland, three of which are incorporated by act of parliament, or by royal charter, viz.: the Bank of Scotland, the Royal Bank of Scotland, and the bank called the British Linen Company.

'The National Bank of Scotland has one thousand two hundred and thirty-eight partners; the Commercial Bank of Scotland has five hundred and twenty-one; the Aberdeen Town and County Bank has four hundred and forty-six. Of the remaining banks, there are three in which the number of partners exceeds one hundred, six in which the number is between twenty and one hundred, and seventeen in which the number falls short of twenty.

'The greater number of the Scotch banks have branches in connexion with the principal establishment, each branch managed by an agent acting under the immediate directions of his employers, and giving security to them for his conduct. The Bank of Scotland had, at the date of the last return received by your committee, sixteen branches, established at various periods between the years 1774 and the present. The British Linen Company had twenty-seven branches: the Commercial Banking Company in Edinburgh had thirty-one. The total number of branches established in various parts of Scotland, from the southern border to Thurso, the most northerly point at which a branch bank exists, is one hundred and thirty-three.' —p. 5.

The practical operation of a system which has thus spread its ramifications through every part of Scotland has led to results which it may perhaps be useful to point out. We do not think it necessary to describe the checks by which an over-issue and a consequent depreciation of bank-notes are prevented; we think it sufficient to observe, that, by an arrangement, which the necessity of the case has forced these establishments to adopt, this object is completely effected. Those who wish to look into this branch of the subject may consult Sir Henry Parnell's useful tract upon Paper-

Paper-money and Banking, where they will find this point clearly explained.

The great capital and high character of the existing Scotch banks render the establishment of a weak bank practically impossible in that country. There being already banks of undoubted solvency to transact their business, the public would not trust establishments of a doubtful character. The subsisting banks receive each other's notes, for which they give either gold or their own notes in exchange; but this species of accommodation they would of course refuse to any new bank, of the perfect solvency of which they were not well assured. They are also naturally jealous of a new rival which enters the field to divide with them the profits of banking; it is not, therefore, to be expected that they would give undue facilities to such a competitor; on the contrary, they would probably feel disposed to throw obstacles in its way; and nothing short of the conviction that this new competitor for public patronage possessed sufficient capital to force its way into credit, in spite of all opposition, could overcome the effect of this jealousy. This inert resistance on the part of the existing banks, combining with, or even itself producing, public distrust, proves in practice an efficient check upon the establishment of insecure banks. It is generally felt and known that the attempt would not prove successful, and therefore the experiment will probably never be made. Thus the Scotch banking system has been constructed on principles which operate a double good: it offers to the public every species of accommodation which can be obtained from banks of undisputed solvency, while it effectually prevents the formation of any banking firm or company destitute of capital and character.

The result produced by a system of banking thus wisely arranged, and continued through a long series of years, has been the creation of a degree of credit and public confidence, which no probable event can diminish. Even in times of commercial panic and confusion the inhabitants of Scotland never, for a single moment, harbour the suspicion that their principal banks can by possibility fail. We verily believe that, if a foreign enemy were at the gates of Edinburgh, such is the strong force of this habitual confidence, no run would be made upon the Scotch banks: it is, indeed, a matter of history, that in 1745, the advance and successes of the Pretender did not in the slightest degree affect the credit of the northern banks; their notes were everywhere received without the slightest demur or hesitation. But the confidence which the inhabitants of Scotland repose in their banks is not the offspring of a blind credulity. On the contrary, it naturally springs from the principles on which these institutions

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are established and managed; and, being thus founded on a rational basis, it is not to be easily undermined or shaken.

The principles on which the banks are established place their solvency beyond all doubt: all the banks which issue notes are joint-stock companies, consisting of a great number of partners, and possessing a large capital, not merely subscribed, but actually paid up, and invested in mortgages or in government securities. This fund is always ready to cover any losses which the bank may sustain in its transactions. The directors place annually before the subscribers an accurate account of the affairs of each establishment: this puts it in the power of the body of subscribers to ascertain the judgment and discretion of the directors, and to discover any loss arising from misconduct or mismanagement, long before it could exhaust the capital or affect the credit of the establishment. The dividends of the subscribers are always paid out of the profits annually accruing, and never out of the capital invested in the concern. The amount of these dividends furnishes, therefore, a perfect index to the prosperity of each banking establishment. This, indeed, is a matter which does not concern the public at large, as long as they know that no portion of the yearly dividends is derived out of the subscribed capital. A reduction in the amount of the dividends arising from losses falls alone upon the partners: it lessens the profit which they reap from their capital; but it does not in the slightest degree affect the credit of the bank or diminish the security which it offers to the public, as long as the paid-up capital of the establishment remains untouched. Shares in the Scotch banks are regularly sold in the money market like bank stock or canal shares in this country; and the sale price, of course, rises or falls with the rise or fall which may take place in the annual dividends. Hence the real state of the affairs of every banking establishment in Scotland is at all times known, not only to the subscribers and partners, but also to the public at large. No branch of the system is involved in mystery and concealment: every customer knows the amount of capital originally subscribed; and the amount of profits divided among the shareholders furnishes him every revolving year with an unerring test of the actual condition of each banking establishment. This is, in truth, the foundation of the unlimited credit enjoyed by the Scotch banks; it is the basis of that undoubting confidence which the public repose in their stability. The public confidence does not rest upon the credit, the discretion, or the integrity of the directors; it has a much more stable foundation for its support; it is based upon actual capital, which can neither be withdrawn from the concern nor diminished *without the knowledge of the public.*

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In the English system of banking, (if, indeed, a vicious practice, void of every principle, deserves to be termed a system,) all is darkness, hesitation, and distrust. With the sole exception of the Bank of England, no banking establishment in this country has anything to support it except the personal credit of the partners who compose the firm. The original stock of the concern consists merely in the credit of these individuals, who seldom, or perhaps never, subscribe a shilling of capital in order to cover any losses which the establishment may sustain: on the contrary, it too frequently happens, that they are allowed to overdraw their accounts, and are consequently in debt to the concern. Composed as banks necessarily are under the present state of the law, of a very limited number of partners, and founded entirely upon credit, and in no instance, that we have ever heard of, upon a paid-up capital, the affairs of these establishments are kept an impenetrable secret from the public. Here is the true source of the panics which from time to time occur and produce such alarming effects in this country. The public has nothing tangible in which it may repose its confidence. A banking establishment may, no doubt, be solvent; but its customers have no means of knowing this. Whenever a panic seizes the public mind, each individual, utterly ignorant of the affairs of his banker, rushes with the multitude, and withdraws his funds. The footing on which our practice of banking now stands, has thus an inevitable tendency to engender panics: this is an evil necessarily inherent in it. But we are convinced that even for this evil, although of incalculable magnitude, the adoption of the Scotch system would provide a complete remedy.

In that country, as we have said, a sovereign is seldom seen except in the card-purse of an old maid or the cabinet of some recluse virtuoso. One of the witnesses says:—

'There is a prejudice against gold in Scotland: this prejudice is simply on account of the trouble attending it—it is weighed; when it is found light, people refuse it: the country people are afraid to touch it: there is not a district in Scotland but where, if you were endeavouring to pass a sovereign, they would say, if you had a note of any bank in Scotland they would prefer it.'

There is, no doubt, a small quantity of gold in the coffers of the different bankers, in order to meet the occasional whim of some capricious customer; but that a bank should be asked to give gold in exchange for notes, is an event which happens so rarely that a very trifling sum indeed is found fully adequate to meet all demands of this kind.

'Although,' says a witness examined before the committee, 'I have been for ten years in an office that perhaps does more business than any

any other individual office in Scotland, or out of London, I can state as my experience, that I have never refused gold to any person that wished it: they only ask it when they have occasion to go to Ireland or England, or to emigrate to America. I can state it as a fact, that ten thousand sovereigns would have supplied all the demands for the ten years I have been in Glasgow.'

The liability to pay gold for their notes on demand, or to receive them as deposits bearing interest, is, however, an efficient check upon any over-issue of paper. If, from any circumstance, more notes should be issued than can be absorbed by the wants of the country, they would instantly find their way back into the banks to be exchanged for gold, or to be placed to the credit of the holder. This serves practically to prevent bank-notes from depreciating in value, and furnishes a sufficient guarantee that the banks will not abuse the power which they possess of issuing promissory notes.

The rottenness and insecurity of the English system of banking are known to aggravate very greatly the effects of the panics to which all commercial bodies trading upon credit are unavoidably subject. The general distrust prevailing at such periods is particularly directed towards the English banks, which are sure to be the first to feel the raging of the storm. The weakest of these fail, and this adds fuel to the flame which had already burst forth. A partial want of confidence is thus speedily converted into a general panic, and all banks, whatever may be their opulence and character, suffer more or less from the consequences. Even banks upon which no actual run takes place sustain great losses during these seasons; uncertain of the direction which the tempest may take, they are all compelled to make preparations to meet its violence, and the sacrifice of property required for this purpose has frequently been enormous. The faintest whisper, or the most trifling accident, often proves sufficient to inflict incalculable losses upon an English bank. It is a well known fact, that a few years ago the accidental overturning of an old apple woman's stall near the Mansion-house led to a run upon a wealthy bank in the city, which cost the establishment many thousands of pounds. Hence the minds of English bankers must at all times be subject to more or less anxiety, and their proceedings in consequence timid and fluctuating. Their personal alarms cause them, in times of difficulty and distrust, to abridge or withhold the accommodation which they had been accustomed to afford their customers; and this not only ruins the credit of the traders, who had been led to speculate upon the expectation that this, assistance would be continued but contributes to augment and prolong the public distrust. Much better would it be for the merchant

merchant and trader that the accommodation of their bankers should be altogether withheld, than that it should be obtained, subject to the contingency of being withdrawn when most essentially wanted. In this most important point the superiority of the Scotch system is striking and manifest. The merchants and traders there can calculate with certainty upon the accommodation which they have been accustomed to receive from the banks. The managers of these establishments, being wholly free from all personal anxiety, act upon general principles which have never yet been found to mislead them, and never in the hour of need withdrew from their customers the accommodation which they had previously afforded them. It must indeed be apparent that the rational distrust with which the public must continue to regard English banks, as long as they remain upon their present insecure footing, disables the English bankers from acting with uniformity and steadiness in the business of discounting bills. They contract their discounts, not capriciously, nor even from a want of confidence in their usual customers, but necessarily from the diminution of their own means.

Our readers should recollect that the proper business of a banker is not to lay out his own capital in the discounting of bills; he may, like any other capitalist, employ his money in this manner if he should think proper to do so,—but that is a branch of business which does not necessarily fall within his province as a banker. The true and legitimate business of a banker is to borrow of one class of creditors capital which he may lend to another class. A merchant or tradesman, who keeps an account with an English banker, is always expected to leave in the bank a floating balance equal to the amount of business which he transacts. It is, at least tacitly, understood between the parties, that this balance shall, upon the average, be of such amount, that its interest, when employed in discounting bills, shall afford the banker a sufficient remuneration for the trouble which he takes in keeping his customer's banking account, together with a sufficient premium for any risk which he may run in discounting his bills. Now, it must be manifest that the profits of an English banker accrue from, and are proportioned to, the aggregate of the balances thus left in his hands; and it is equally manifest that the average amount of this aggregate must ever vary with times and circumstances. In seasons of confidence and commercial prosperity it rises in its amount; on the contrary, in times of difficulty and distress it falls off, and sometimes dwindles to nothing: at such periods, many customers draw out their balances altogether, and the remainder reduce theirs as low as they can with decency. The means at the disposal of the banker being

being thus diminished, he must, of course, contract his discounts, not from any unwillingness, but from a total inability to accommodate his customers. Those who lent him money having withdrawn their cash, the persons to whom he had been accustomed to lend it can no longer have it. The borrower, thus deprived of the assistance upon which he calculated, probably fails, and the banker, at least for a time, is deprived of his usual profits; the failure of the trader tends to increase the public distrust, and thereby to diminish further the floating balance left at the disposal of the banker. When, in a moment of distrust, the public withdraw their capital, and retain it in their own hands, the banker may, no doubt, to the whole extent of his own private means, fill up the gap; he may sell his own reserved capital out of the funds, and, to the extent of his power, accommodate his best customers with the usual discounts: but the supply to be derived from this source generally falls very short of the demand, the banker's private capital seldom bearing any proportion to the aggregate of the funds which, in ordinary times, are placed at his disposal. We have here revealed to us the true cause of the panics which prove so harassing to the feelings, as well as destructive to the interests, of bankers and merchants in England. The merchant depends upon the supply of capital which he is accustomed to obtain from the mass which in a period of commercial confidence is sure to accumulate in the hands of a banker; but a moment of alarm arrives,—the customers of the bank withdraw their balances,—the reservoir which furnished the merchant with means to meet his engagements is suddenly dried up,—and he is ruined.

The system of deriving their profits from the practice of discounting bills with the floating balances deposited in their hands, presents also a temptation to which bankers, who happen to be devoid either of capital or principle, sometimes yield: it induces them to lend money upon bills drawn by persons of doubtful credit, on an understanding that a large proportion of the funds thus raised shall remain as a balance in their own hands. For instance, two persons, having no capital of their own, apply to a banker for a discount accommodation to the amount of 20,000*l.* each; the banker accedes to the proposal; by drawing and accepting mutually, they thus create bills to the amount of 40,000*l.* These bills are discounted by the banker, who, however, takes care to stipulate that neither of these parties shall reduce his balance below 5000*l.* The 10,000*l.* thus retained in the banker's hands are, of course, laid out in discounting other bills at the common rate of interest; and this enables him to clear 500*l.* per annum by the transaction, or, in other words, to realise an interest of 7½ per

per cent. upon 40,000*l.* If the adventurers thus accommodated happen to continue successful in their speculations, all goes on well; the bills, when due, are regularly honoured; the speculators reap their profits; the gambling banker (for such, in truth, must he be considered) pockets his usurious interest; and the transaction is then repeated. That transactions of this nature sometimes occur in the practice of English banking is, we fear, but too true; they are, in fact, fostered and cherished by the system; but, like all other gambling speculations, they seldom fail to lead the parties who embark in them to ultimate ruin. It is well known that the ruin of a London bank, which has recently failed, arose chiefly from this vicious mode of conducting its business; the losses arising from these criminal speculations proved so enormous, that the assets left to meet the demands of the duped and plundered creditors will not probably yield a dividend of one shilling in the pound.

But the known capital and tried stability of the Scotch establishments have led to a system which differs, in many essential features, from that which prevails here. The bankers of Scotland do not, like those of England, derive their profits from the employment of floating balances left in their hands without interest by those who deal with them; on the contrary, they allow interest for every 1*l.* of capital deposited in their hands; this interest is always less by one per cent. than that which they charge upon the loans advanced to borrowers; and the difference between the interest paid and that charged upon the whole of the capital entrusted to their management, forms the only source whence the profits of Scotch banking accrue.

By this practice of allowing interest upon all deposits, these banks attract every shilling of unemployed capital which any inhabitant may happen to possess. The witnesses who were examined by the committee of 1826, estimated the average of these deposits at about twenty millions sterling. Persons possessed of small capitals in Scotland never purchase into the public funds; having the most unbounded confidence in the solidity of their own banks, they universally deposit in those establishments all the capital which they can spare. All the banks generally take deposits as low as 10*l.*; and it is stated to be a rare occurrence that a banker should refuse even 4*l.* or 5*l.* Indeed, deposits to an amount not exceeding 2*l.* are frequently received; for if an industrious labourer begin with laying by 2*l.*, the banks very rationally calculate that in all probability his savings will soon increase. Their general rule is to allow interest upon every deposit, however small may be its amount. One of the witnesses examined by the committee, and thoroughly conversant with the subject, states, that in towns like Glasgow, a very large proportion of the deposits comes

from the labouring classes. In country places, like Perth or Aberdeen, it is from servants and fishermen, and just that class of the community, who save from their earnings, in mere trifles, small sums, till they reach a sufficient amount to form a bank deposit. The system of banking in Scotland appears to be nothing more than an extension of the Provident Bank system. Half-yearly or yearly, those depositors go to the bank, and add the savings of their labour, with the interest that has accrued upon the deposit from the preceding half year or year, to the principal: in this way it goes on, without being at all reduced, accumulating until the depositor is able either to buy or build a house, or until he is able to commence business as a master in the line in which he has hitherto been a servant. A great part of the depositors of the banks are of that description. 'I believe,' adds the same witness, 'this class of the community furnishes one-half of the whole deposits.' Another witness, examined touching the same point, estimates the whole bank deposits at twenty millions sterling, and the proportion of the small deposits as fully equal to one-half of the whole. He then adds—

'I have had many opportunities, both professionally and in various situations in which I have been placed, of observing the effects of these deposits; and I do think that the system of the Scotch banks, allowing the rate of interest which they have done upon these small deposits, has influenced very considerably the moral character of the people. The deposit is seldom drawn out until the depositor has to build a cottage or buy a house; or perhaps he may himself begin business, or set out his eldest son in the world; or, it may be, furnish a house for his daughter at her marriage. A deposit is often laid up for old age; and in many instances, I have no doubt, has likewise been the means of enabling men in the humble classes of society to give their children what we in Scotland value above all the advantages of wealth—the benefit of an intellectual and religious education.'—p. 203.

In truth, nothing can be conceived more admirably adapted to encourage industry and economy, than the system of banking which has been so long in full operation in Scotland; and we have no doubt that the saving and persevering disposition, which forms a prominent feature in the character of our northern neighbours, must be ascribed, in a considerable degree, to the habits instilled into them by the influence of these invaluable institutions. The industrious labourer finds, at his own door, a safe and profitable receptacle for every shilling he can save. Without trouble, anxiety, or loss of time, he takes his pound to the bank, where it bears interest from the first moment in which it is deposited. The banks thus constitute public depositories,

in

in which every shilling that can be spared throughout every district of Scotland finds its place.

Nor is the disposal of the aggregate of capital thus collected less beneficial in its effects upon the habits and enterprise of the people, than the economy by which it is saved. The bank reservoirs, thus kept constantly full, furnish every person of character and enterprise with a ready, certain, and never-failing supply of capital, wherewith to embark in any undertaking which holds out the reasonable probability of success. The managers of the different banks, having collected into one focus the whole capital of the country, offer every facility to those who wish to borrow this capital, and turn it to a profitable account. Their profit is derived exclusively from this source. Upon all the capital which may lie unemployed in the coffers of these banks, a dead loss is sustained: hence they are as eager to find out safe borrowers as saving depositors.

The bankers of Scotland are, in fact, dealers in unemployed capital. They form an open and universally known channel of communication between the borrower and the lender in the money market. They acquire a perfect knowledge of both parties. They borrow money of those who have it to lend, and lend money to those who want to borrow, and charge a profit of one per cent. upon all cash transactions for the use of their own credit, labour, and skill. Any person opening an account with the Scotch banks receives 4 per cent. (or some other amount less by 1*l.* than the average rate of interest) upon the balance left in their hands. He may pay in money whenever he chooses. This is carried to the credit of his account, and interest allowed for it from the day in which it is deposited. He may draw his money out when and in what sums he thinks proper, and his loss of interest on the sum so drawn out commences only from the day on which it is received. Their object, however, in borrowing capital, is to make a profit by lending it: hence the facilities which they give to borrowers are as great as they can be consistently with safety. In the first place, they will discount bills and other mercantile securities, which are perfectly regular and good, at all times, and to any amount. This is an incalculable advantage to the merchants of Scotland. They know that they can fail of success only through their own rashness or miscalculation,—never from any sudden suspension of that accommodation which had originally stimulated their enterprise. The inconveniences felt by the merchants of Scotland during times of panic, arise exclusively from their transactions with this country, where the storm, whenever it happens, always rages with destructive violence.

A second mode of lending, practised by Scotch bankers, is to

grant what is called a cash-credit to any industrious person desirous to borrow capital, to be embarked in any species of profitable employment. When a person applies for a cash account, which is not an immediate advance of money on the part of the bank, but a conferring of the power of drawing upon the bank to a certain specified extent, he proposes two or more securities; a bond is made out; and he draws as occasion requires. In this way, he has never more from the bank than is absolutely necessary for the purposes of his business. The account is never recalled, unless, by having been but little operated upon, it has ceased to be beneficial to the banker in the circulation of his notes; and interest is charged only on the amount of the balance which may be owing to the bank under this account. These credits run from so low a sum as 50*l.* up to 1000*l.*, and in some cases they are of still higher amount. They are granted to persons of every description,—to small farmers, who require assistance in stocking their farms, or who carry on a petty trade in cattle; to shopkeepers, principally on their commencing business; to tradesmen generally; to all sorts of law agents. The beneficial effects of this system are incalculable, with regard both to the interests of individuals and of the public.

'Instances abound in every district of Scotland, of apprentices who have conducted themselves well during the period of their servitude; or of farm servants even, who were able to procure an account from the bank by means of some friends or acquaintances becoming their securities; and who, in the course of their business, have raised themselves to respectable situations by becoming farmers of considerable extent, and manufacturers, in a way highly creditable to themselves and beneficial to the country.'—p. 272.

These cash credits, be it observed, are never granted without an understanding that the capital so lent is to be embarked in some productive employment.

'If a tradesman were to deceive a banker, by pretending that he wanted a cash account, while, in fact, he only wished the loan of a sum of money, without transactions, the consequence must necessarily be, that he would very soon draw out the whole amount, and would repay no part of it: it would remain for weeks and months as a dead loan. The banker has only to look at his own progressive ledger to see that this is the case, and he immediately says—"This is not a cash account, you must pay up." '—*Report*, p. 117.

In fact, the bankers consider themselves bound by a sense of honour to act in this manner. The securities, who make themselves responsible for a cash-credit, do so on the understanding that the party for whom they become bound will employ the money so obtained productively; it is evident, that when such a person proceeds

ceeds to draw out the whole amount of the cash credit given him, and makes no returns to the bank by way of repayment, the advances thus made stand more than a mere chance of being squandered and lost. In such a case, the bank would be under the necessity of calling upon the securities to make good the deficit. This is a step to which the Scotch bankers will not allow themselves to be driven without reluctance: it tends very materially to impair their character for honour and discretion; and by rendering individuals reluctant to become bound for persons desirous to obtain a cash-credit, it throws a serious impediment in the way of the profitable employment of the capital vested in their hands. 'These accounts are pretty much conducted on a point of honour. There are many things a man might legally do, that if he did, the bankers of Scotland would not deal with him; and, therefore, it is natural that they should inquire minutely, not only into his general character, but into the manner of his trade.' If the securities of any individual should discover that he was not employing the credit obtained through their means to the legitimate purposes of his trade or business, they would instantly interfere. 'I know,' says one of the witnesses, 'that it is common for one of those securities, seeing symptoms of what he thought wildness or imprudence in the party, to go to him and tell him he would withdraw his name from his cash account bond if that course of conduct was continued. *This affords a great moral check on the conduct of those persons.*' These checks, imposed first by the bankers, and next by the securities, upon the improvidence and indiscretion of the persons who obtain cash-credits, have been found to operate practically as a complete assurance against loss; although, from the known safety of the system, it is customary for the friends of a young man establishing himself in business to come forward and offer themselves as securities for him—yet it rarely, if ever, occurs, that either the banks or the securities lose anything by these cash-credits.

'I literally have hardly ever heard,' says Mr. A. Blair, 'of a bad debt by a cash account. The bank of Scotland, I am sure, has lost hardly anything in an amount of receipts and payments of hundreds of millions. *They may have lost a few hundred pounds in a century.*' —*Report*, p. 125.

In the last place, the banks of Scotland make advances to a very large amount upon the security of real property. The plan pursued in these transactions is, that the owner should pledge his estate with the bank for a given amount, and open an account with it: up to the amount thus agreed upon, he may then draw upon the bank, as his occasions require. This offers very great advantages, both to the lender and to the borrower. The former

former is saved all the trouble and inconveniences of a mortgage: he is sure that the interest will be punctually paid, and that he may have the principal, or any part of it, at any time, should a desirable purchase fall in his way: whereas, if he advanced his capital on mortgage, he could not call in his money when he wanted it; he must take it altogether when he does call it in, although he may really want only a part of it; or, if the borrower choose to pay it off, he must take it, whether he want it or not. Hence, every capitalist considers the banks of Scotland much more convenient as borrowers than private individuals: he is, therefore, found generally willing, for the sake of these advantages, to lend his money to the banks, at a somewhat lower rate of interest than he could obtain for it, if advanced on loan to private individuals. On the other hand, the owners of real property prefer borrowing of the banks to borrowing of private capitalists. Individuals often call in the money they have lent out on mortgage when they can find a better employment for it, or when the death of a party renders the division of his property necessary: this obliges the mortgager to procure a fresh mortgage; a measure which unavoidably involves him in much trouble and expense. But the banks are more to be depended on: it being a very rare occurrence, that they should call in money advanced on the security of real property, until it happens to be the pleasure of the borrower to pay it off,—the owners of real property, when in want of money, prefer borrowing of them rather than of private individuals, although the rate of interest charged upon the loan be somewhat higher. This difference between the rate at which they lend, and that at which they borrow, constitutes the profit of the banks: if the borrowers and the lenders chose to deal directly with each other, they might, no doubt, divide the amount of this profit among themselves,—that is to say, the lender would get ten shillings per cent. more for his money than he now obtains from the bank; and the borrower would pay ten shillings per cent. less than is now charged him by the banks; but taking all the inconveniences into consideration, it is found in practice that this difference does not form a sufficient inducement for the borrowers and lenders to pass by the banks and transact their business directly with each other. Each party is, in short, willing to pay the banks a compensation of ten shillings per cent. for relieving them from all the trouble and inconveniences attendant upon a mortgage. The banks being open and ready at all times to meet the wants both of the borrower and lender, neither party (except, perhaps, occasionally among particular friends) ever thinks of giving himself further trouble about the business; but, as a matter of course, transacts it through the bank. From the operation

operation of these great causes, the banks have become the depositories of very nearly the whole of the money capital of Scotland, and constitute almost the only source whence the supplies of it are drawn. We cannot imagine any engines more admirably calculated to develop the resources and foster the improvement of the country in which they are established. On the one hand, the opportunity which they present for profitable investment encourages every class of the community to save the most trifling excess of revenue: on the other hand, the facilities which they hold out to borrowers, by the means of discounts, and still, in a more especial degree, of cash credits, place within the reach of every industrious person, of good character, a supply of capital fully adequate to any productive enterprise in which he may think it advantageous to embark. The system of banking which prevails in Scotland thus forms a link which directly connects the accumulated capital with the physical force of the country. Capital without industry is worth nothing—and industry without capital can seldom prove rapid in its progress towards the accumulation of wealth; but wherever these two elements of production are brought in contact, the result must be a vast increase of private comfort, as well as a rapid accession of public wealth. A Scottish banking-establishment forms a vast reservoir of disposable capital, kept full by the innumerable rills which flow into it from all quarters in the form of deposits: by means of branch establishments, this supply of capital is spread throughout the country, and serves to animate the industry and augment the productive powers of every district within its reach.

Bacon has well observed, that 'capital, like manure, does no good until it be spread;' and, to answer this salutary purpose, no engines could have been devised more completely efficient than the Scotch banks as they are now practically conducted. The system, indeed, seems to be peculiarly adapted to call into full play the industry and productive powers of the more remote and thinly-peopled parts of a country. In populous towns the borrower and the lender of capital might perhaps have been drawn together, although not so readily, without the intervention of the banks; but in districts thinly inhabited, the communication between these two classes could not have taken place without the interference of the bankers. Hence it is that the improvement of every district, of every field in every district, may, in innumerable instances, be distinctly traced to the establishment and operation of some branch bank. One of the witnesses examined by the committee stated, that he had had an opportunity of observing the effect of the establishment of a bank in a particular district;—

'I had a good deal to do with a branch bank which was established at

at Huntley, and had occasion to observe that the neighbourhood was greatly improved by it; that the ground was cultivated—that the village itself increased in population, and that it had all the appearance of a prosperous country village. That branch has been since withdrawn, and the effect has been that many of the farmers, in consequence of their credits being withdrawn, failed; the farms have reverted to the proprietors, and the produce has considerably diminished."

To those who are at all acquainted with the subject, it is well known that nothing forms so powerful an impediment to agricultural improvements as a deficiency of capital. The farmer may be skilful, enterprising, economical,—but without the command of an adequate supply of capital, all these admirable qualities will prove unavailing, or, at the very least, their effects will be greatly retarded and circumscribed. Hence the slow progress of agriculture in many parts of England. It is wrong to suppose that the English farmer is naturally less industrious or enterprising than persons of the same class in Scotland; he would enter upon a career of spirited improvements if he could,—but he possesses not the means necessary for this purpose, neither is his landlord in a condition to supply this deficiency, and the inevitable consequence is that no improvement is effected or undertaken; indeed, the consciousness that he cannot command the required capital frequently prevents the English farmer from forming even the wish to adopt a more spirited and profitable system of tillage. Very different indeed is the condition of a Scottish cultivator: the moment he feels inspired with the desire to improve the tillage of his land, he encounters no difficulty in commanding the necessary supply of capital; if he possess a fair character for probity and industry, 'the sinews of improvement' are instantly placed at his disposal,—he obtains a cash-credit at the branch bank of the district,—he draws out whatever he wants to pay for labour or for other purposes,—he pays in the proceeds of the produce which he may have sold, and is charged with interest on the balance which may from time to time stand against him in the bank books. In the progress of time he begins to reap the fruits of his enterprise and industry; he gradually draws less out and pays more in, until at length his relation to the bank becomes changed,—from being a debtor he becomes a creditor,—instead of deriving accommodation under a cash-credit account, he becomes a depositor of his surplus savings and profits, which are then lent out by the bank, under cash-credits, to other farmers of the district, who are sure to be instigated to embark in the same profitable career of improvement, both by an example of success and by the facility of borrowing capital.

The same assistance which is thus given to the improving farmer is also extended to an industrious tradesman or manufacturer when commencing

commencing business. Any person, whose conduct and character have been such as to acquire the confidence of two responsible securities, willing to be bound for him, may instantly obtain accommodation at the bank, which relieves him at once from the anxiety and trouble of bill transactions; he gets the command of ready money, and is thus enabled to make his purchases at the first hand, and consequently on the most advantageous terms; he is not driven, like the English trader under similar circumstances, to purchase goods on trust of the wholesale dealer, who, having his customer in a great degree within his power, charges almost whatever he pleases for the accommodation which he grants. It is well known that the principal impediment which stands in the way of an industrious man, when he attempts to emerge from his original condition, is the want of capital or credit to aid him when he first begins business on his own account; give him but this *locus standi*, and if he be, as is generally, if not universally the case with persons of industrious habits, economical withal, his final success is not, under ordinary circumstances, a matter of doubt. It is scarcely necessary for us to observe, that the inhabitants of Scotland are remarkable for industry, perseverance, and economy; nor to add that a greater number of them are found to force their way from the lowest and most indigent condition into competence or even opulence, than in any other country. It is a fact perfectly well known to all those who are conversant with that country, that the greater number of its most opulent and thriving manufacturers, as well as agriculturists, are persons who have emerged from the lower condition of life, and who owe their success entirely to their own industry, assisted and fostered as it was, in the first instance, by cash-credits.

It is on all hands agreed, that for the rapid advances which it has, within the last century, made in wealth and prosperity, Scotland is very largely, if not mainly, indebted to its banking system. Adam Smith says, that 'the trade and industry of Scotland have increased very considerably; and that the banks have contributed a good deal to this increase, cannot be doubted.' In his Principles of Political Economy, Sir James Steuart asserts, that it is 'to the banks of Scotland the improvement of that country is entirely owing; and that all commercial countries, by imitating them, will reap advantages of which they are at present deprived.' In his evidence before the committee on Scotch banking, in 1826, Mr. Kirkman Finlay stated, 'that the facilities afforded by the banks constitute one of the ingredients, and perhaps the principal ingredient, of the prosperity of Scotland.'

Well may the inhabitants of Scotland cherish a system under which they and theirs have become thus enriched; and no wonder that

that they should so manfully and so generally have stood forward in 1826, when strangers, however well-meaning, proposed to tamper with institutions which had stood the test of one hundred years' experience, and which had raised the country to a very high degree of agricultural as well as manufacturing prosperity. It appears, indeed, quite unaccountable, that, at the period just alluded to, the legislature should not have attempted to improve our own system of banking, instead of endeavouring to destroy that which had been found practically to work so well in Scotland. Had this been done,—had the legislature encouraged the establishment of banks trading upon capital, and not merely upon credit,—had parliament, instead of suppressing paper notes under five pounds, restricted the privilege of issuing them to such bankers alone as could, either by the possession of a large paid-up capital, or by the deposit of government securities, have given the public an undoubted assurance of their solvency,—there can, we think, be no question that the country would have escaped the greater portion, if not the whole, of the difficulties and distress by which it has been overtaken. The desideratum is, a paper circulating medium, convertible into gold at the will of the holder; this would prevent it from depreciating in value; and of a character so secure and undoubted, that few, if any, persons will ever be found desirous to exchange it for gold; this would produce a legitimate diminution in its exchangeable value, and restore the price of commodities to the level on which they stood when the bulk of our subsisting money engagements were contracted.

After the most careful consideration which we have been able to bestow upon the subject, it appears to us that every principle of policy, as well as of justice, dictates the necessity of revising, without delay, this department of our monetary system. Parliament should not, in our humble opinion, allow another session to pass by without reviewing the exclusive privileges which have been conferred upon the Bank of England, and which have been the real impediments to the establishment of a sound paper circulating medium in this country. We cannot believe that the Governors of that wealthy Company would now throw any obstacles in the way of any arrangement which the legislature might consider beneficial to the public. The charter of the Bank of England has, we believe, only about three years to run; and it is not very probable that, for the sake of this short remnant of their time, they would oppose the declared wishes of the ministry and the good of the public. In order to induce them the more readily to make this concession, they might at once be authorised to issue paper notes under five pounds; a similar privilege being, at the same time, conferred upon any other bank which should possess a paid-up

a paid-up capital, or deposit with government securities, equal to the full amount of its issues.

We are told that a convertible paper currency would drive gold entirely out of circulation;—to be sure it would: this constitutes one of the leading advantages which would result from such a circulating medium. If it were necessary to retain in this country the same quantity of gold, very little benefit would accrue to the public from the establishment of a safe paper currency. But this would not be the case: bank paper, when placed upon a secure footing, would fulfil all the purposes of exchange; with a very trifling reserve, our gold coin might be exported; the demand for this metal would, on that account, become considerably relaxed in the English market; we should then want only the quantity which is annually consumed in manufactures—in plate and gilding; and its exchangeable value would in consequence sustain a considerable diminution, not only in our own bullion market, but throughout the world.

'Gold would then,' observes Mr. Paulett Scrope, the very able author of "the Currency Question freed from Mystery," 'fall again to its accustomed level; and, with gold, money prices will rise, not to the height that prevailed during the moment of morbid excitement in 1824, but to the fair average which the relative cost of the different articles of produce determine. Such a measure will act like a charm upon the disease that is now latently disorganising our whole social system; justice will be done to all parties, debtor as well as creditor; industry will revive from the despair to which the late intolerable increase of her former extraordinary burdens has reduced her; and the nation will be snatched from a catastrophe which I cannot but consider otherwise inevitable.'

'There is,' says the same authority, 'a general outcry as to the infamy of a debtor defrauding his creditors; but is it not equally unjustifiable to allow a creditor to rob his debtor, by taking more than his due? The dishonesty of the suspension of cash payments is most loudly inveighed against by those very persons who are now perpetrating a still more flagrant injustice, in the forced *increase* of all pecuniary contracts. Granting that national faith required the bill of 1819, it certainly did not call for that of 1826. *Still less, if possible, were we pledged to keep up a rotten system of banking, by which all confidence in paper is prevented, and the necessity of a metallic circulation incurred.*'

We must disclaim, in the most indignant terms, the imputation of advocating what is called tampering with the currency; we do not indulge the slightest wish to meddle with the standard of the pound sterling—we call for no breach of the faith which has been pledged to the public creditor. The act of 1819, commonly called Mr. Peel's Bill, gave us the old standard of English gold currency.

currency. There can, we apprehend, now be no question that it considerably enhanced the pressure of the public debt: it gave all those who had lent money to the public in depreciated paper, a legal right to be repaid in the metallic standard which was then re-established: it is indisputable that this made a material addition to all fixed money engagements—to mortgages, annuities, and taxes; but this sacrifice, however great may have been its amount, was counterbalanced by at least one consoling circumstance—it saved the national faith from anything which the most perverse or most greedy of mankind might construe into a blot. The character of the nation, for stern and unflinching integrity, was placed beyond the reach of all imputation. We had borrowed immense sums in a depreciated paper currency: in order to avoid the possible accusation of defrauding our creditors, we agreed, in 1819, to pay them, if they demanded it, in a gold currency equal in weight and fineness to the old standard, which had been virtually abolished in 1796. But surely this is the utmost to which the most rigid sticklers for the observance of the public faith can conceive the country to be pledged. No one, as far as our reading extends, has yet undertaken to maintain that either the public or private debtors had come under an obligation *to force their creditors to take gold, whether they would or no.* Yet this is, in fact, what has been effected by the act of 1826. The act of 1819 left every creditor the option of being paid either in paper or gold. Accustomed to the use of paper, and to the advantages which, in various respects, it possesses over metal, as a circulating medium, every creditor was contented with paper: but the act of 1826 took away this option; and, in defiance of the principle of free trade which the bullionists pretended to admire so much, it forced every debtor to pay a sovereign, even when the creditor would have given the preference to a one-pound note.

Such a system of legislation appears to us, notwithstanding our deep respect for the talents as well as motives of its chief advocates, to be as perverse in principle, as it has proved pernicious in its practical consequences. It therefore behoves the eminent persons to whom we allude to retrieve the error into which they have been unwarily led. The evidence of experience proves that the act of 1826 has been attended with effects which its authors never anticipated: it is not yet too late for the legislature to retrace its steps—the injury which the public has sustained from the operation of this measure may yet be remedied. The Bank of England can, no doubt, be easily prevailed upon to relinquish an exclusive privilege, which, without being any longer beneficial to itself, is highly injurious to the public; it cannot be supposed that it will offer any resistance to a measure which is become indispensable

dispensable for the public convenience. If, however, contrary to our expectation, this banking company should refuse to part with its monopoly before the termination of its charter, it will become the duty of the government to adopt such measures as may be deemed necessary to obviate any inconvenience which might result to the public from this refusal. Joint-stock banking companies, possessed of ample capital, would then start up in every part of the country, which might, under proper regulations, be entrusted with the circulation of a paper currency. This would gradually lead to a system of banking similar to that which has so long prevailed in Scotland: and it is impossible to calculate the extent and value of the advantages which the community would derive from the change.

Banks thus furnished with ample capital, and in the full enjoyment of public confidence, would soon be induced to adopt the practice of allowing interest upon deposits, and granting cash-credits. The influence which this practice, if discreetly pursued, might have upon the condition of small farmers and tradesmen, more especially in country districts, can never be too highly rated. It would have the strongest tendency to promote economy and frugality on the one hand,—industry and enterprise on the other. The small savings of every neighbourhood would by this means be collected together, and, being deposited in the banks on interest, would be lent out again in large sums, like other capital, for the purpose of being applied to increase the power of productive industry. Like the banks of Scotland, they would form district reservoirs for receiving small sums of capital scattered throughout the community, and then sending them forth into the various channels of industry, so as to promote, in an incalculable degree, the commerce, the manufactures, and the agriculture of the country. The organization of such local institutions would be, we conceive, one of the most valuable gifts which any cabinet could confer upon England. It would serve to introduce a paper circulating medium which, being convertible into gold at the will of the holder, would never be issued in excess: every attempt at over-issue necessarily entailing a clear loss upon the bank which made it. In Scotland, indeed, it is found that, independently of the liability of each bank to give gold in exchange for its notes, the universal practice of allowing interest upon deposits acts as a sufficient check to prevent an over-issue of paper. If a Scotch bank were to issue a larger amount of paper than could be actually absorbed by the transactions of its customers, the excess would instantly find its way back to the bank: for, it is manifest, that no person would keep on his hands more notes

notes than his necessities absolutely required, when he could obtain the common rate of interest upon them merely by depositing them in the bank. This renders it absolutely impossible for any Scotch bank, or even for all the Scotch banks, supposing them to combine together, to keep in circulation for the space of one week a single note beyond the amount which the transactions of the country may actually require. Every body knows that on each quarter day, when various periodical payments become due, the paper issued by the Scotch banks is considerably increased in amount; but it is a positive fact, that very little, if any, of this excess remains in circulation even for a whole day. It is sent forth in the morning for the purposes of the quarterly payments then falling due; it passes from the debtor into the hands of the creditor, who instantly carries it to the bank, where it is placed to his credit and bears interest; so that before the close of the day the whole of the excess actually forces its way back into the depository whence it was drawn in the morning. Upon this excess of issue, or rather extraordinary issue, the bankers gain only one day's interest, and no effort on their part could keep in the general circulation any portion of it for another day. This practice, combined with the exchanges which take place at Edinburgh once or oftener in the course of each week, tends to keep the circulating medium at the very lowest amount required for the purposes of commerce. It is a system unrivalled for security, simplicity, and economy: it offers to the public the most satisfactory guarantee for its permanence and security, while it serves to conduct all the money transactions of the country at the least possible expense, both to individuals and the community at large.

We cannot conclude without quoting another brief passage from the masterly pamphlet of Mr. Paulett Scrope—the whole of which we earnestly recommend to the attention of our readers. After mentioning that, according to the best authorities, the gold in circulation in England, in 1824-5, did not exceed *four* or *five* millions, and that, according to the repeated statements of the First Lord of the Treasury and the Chancellor of the Exchequer, there are *now* in circulation twenty-eight millions of gold and eight of silver, Mr. Scrope thus proceeds:—

'If the amount of one and two pound notes circulating in 1825 was at all correctly given at two and a half millions, (the Duke of Wellington, however, on better grounds calculated it at six millions,) it is evident that twenty-eight millions of sovereigns cannot be required merely for the purpose of *change*. It is much more probable that a very large proportion of them are demanded of bankers *in preference* to their five and ten pound notes, through the general distrust of

of country banks which the crash of 1825 occasioned, and which the legislature unfortunately took no measures to counteract by placing, or even allowing these establishments to place themselves, on a sounder footing. Another very large quantity of sovereigns is, no doubt, removed from active circulation, and *hoarded*, by persons who, from a similar distrust in bank notes, and the generally inadequate returns for the employment of capital, prefer keeping a deposit of gold by them, to be secure against all contingencies. This feeling is prevalent to a great extent in country districts, and will account for much of the immense quantity of bullion said to be in circulation.

'But, whatever objects the holders may have in view, the fact remains clear, that there are actually twenty-eight millions of gold absorbed by the wants of the country. It is also evident, that the absorption of this enormous amount of gold *can* only be owing to one or both of two causes; *viz.* 1. The effect of the act of 1826, the withdrawal of small notes necessitating the substitution of gold for the purpose of change; and, 2. The general distrust of paper, owing to the extraordinary omission of the legislature of that year to provide for giving real security to bankers' issues, the want of which had been so forcibly demonstrated by the occurrences of the preceding year. Instead of acting on the knowledge that the panic and dangers of 1825 had been owing to the law which prevents banks from being established in England on such a footing as may effectually secure them from failure, or the dread of it, parliament not only left the country banks just as insecure as before, but actually did its utmost to destroy the small remnant of confidence the public were likely to retain for their issues after the crash of 1825; made it apparently a study, both in the speeches of its members, and the tone of the measure of 1826, to heap all possible obloquy on these establishments, *while continuing a law which took from them all power of improving their condition;* utterly unconscious of what a moment's consideration would have shown to be the necessary result of such proceedings, namely, a demand on the part of the country for *gold* to an enormous amount, in preference to this vilified and unquestionably insecure paper.

'It is, then, to the legislation of 1826—to that which *was done*, coupled with what was left *undone*, that is, in my opinion, solely owing whatever demand for bullion has shown itself since that date. Now what may this be? Of the actual twenty-eight millions of gold, how much are we to believe to have been in circulation previous to 1826? Suppose there were even as much as eight; this will leave twenty millions as the *additional* quantity of gold required and absorbed by the wants of the country since 1826.

'Now does any one suppose that a demand for twenty millions of gold, to be provided within three years, in addition to the usual demand for other purposes, will not *raise the value of gold* all over the world? It would be idle to attempt to guess at the quantity of gold available

available for purchase in the civilized world. But twenty millions of sovereigns must make a very large hole in it. . . . . .

'Moreover, the additional quantity of gold required must have been purchased abroad by English capital to that amount. If this large sum came from the pockets of the unproductive classes, as would have happened if it had been laid out on foreign products for their consumption, it would have been no further loss to the country at large; but, being compulsorily expended by the classes engaged in production, upon a circulating medium with which to carry on their transactions, it was a sacrifice that fell irredeemably upon them. It is an abstraction of so much from the capital annually employed by them in production; of such a portion of capital as would otherwise have afforded a profit to its owners, and employment to perhaps a million of labourers at fair weekly wages, and a decent maintenance, reckoning the families of the latter at an average of five, to *five millions of souls!*

'But in the complicated transactions of this great commercial empire, there will always be an immense mass of outstanding money engagements, bills, debts, and contracts. The rise of one-fourth in the value of money added, of course, as much to the real value of every money engagement, including the public debt and the expenses of government; while, on the other hand, the subtraction of twenty-four millions from the productively employed capital of the country, in order to purchase a metallic circulation, reduced, in perhaps an equal degree, the returns to its industry, out of which all these heavy money engagements must be paid, before the capitalist, manufacturer, farmer, or tradesman can put one shilling into his pocket!

'The state of the currency since 1826 may, therefore, be justly and strictly described as "A legislative contrivance for diminishing the returns of the productive industry of the country, and at the same time increasing the charges upon it, public as well as private." That distress, general and severe, should be the result, is no more surprising than that Sangrado's patients should have sunk under a very similar treatment, by which their veins were exhausted and their diet lowered at the same time; no more surprising than that a farmer should be ruined by an increase of rent coming upon him simultaneously with a fall in the price of his produce. This is, in fact, one out of the many ways in which the measure *has* affected all classes of producers.'—p. 14-21.

We still hope that the facts and arguments of this clear and energetic pamphlet may meet, ere the session of parliament closes with that attention which they so well deserve. The great talents and acquirements of Mr. Scrope have been exhibited in many previous productions;—but we do not hesitate to pronounce this the most valuable tract that has ever proceeded from his pen.

ART

ART. VIII.—*On Financial Reform.* By Sir Henry Parnell, Bart. London. 1830.

ALTHOUGH Mr. Canning's Finance Committee did not itself yield much of the expected fruits, those who during the ensuing triennium have been entrusted with his Majesty's treasury have certainly made considerable exertions to second its efforts. Year by year there have been reduced in our public expenditure, five, two, and lastly, in the present session of parliament, no less than twelve hundred thousand pounds. The linen bounties, a heavy charge, have been prospectively abolished; a committee of the Commons has examined and reduced the Irish miscellaneous estimates; a commission has reviewed our public accounts; and a uniform system will be forthwith established in the books of all our government offices,—by which revolution, moreover, the ancient controlling power will be restored to the Treasury. By a fair arrangement, a large number of our soldiers have, in the last year, been prevailed on to forego their expectant claims on the dead weight of the army; while the civil servants of the crown have been, without injustice, provided for in old age by a deduction from their active stipends. Many posts of doubtful use, when vacated, have been permitted to lapse; and, on the other hand, former servants of the public have, in many cases, received working appointments in exchange for their retired allowances,—patronage being thus doubly sacrificed to public economy. Finally, the Chancellor of the Exchequer has lately plighted his faith in parliament that a committee of official persons (the most powerful arm of retrenchment when the will is there to wield it) should inquire into the items of further reduction, and should specially direct its attention to our colonial expenditure.

The reports of a parliamentary committee are, it is well known, drawn up by the chairman. Four such statements issued from that body which lately sat on Finance. To these Sir Henry Parnell may now be said to have added a fifth, unstamped by his colleagues' assent, a small volume entitled Financial Reform. It may be called a century of suggestions for diminishing the weight of taxation. It is a rapid survey, clear, on the whole, ingenious, and diversified. On the other hand, this book is what our German neighbours call one-sided. All our great national interests come under its view, but are regarded chiefly, and therefore defectively, on their fiscal side. Hence we oftener agree in our author's finance than in his political economy; while of politics he appears to us to have altogether lost sight. His remedial propositions are many,—we will mention the principal. He would

repeal the taxes on raw materials, such as bricks, timber, and soap; on British manufactures, such as paper, glass, and cottons; also, on the other hand, the protective duty which checks the import of foreign silks, gloves, lace, cloth, &c.; and he would abrogate altogether the corn-laws!

These are extensive changes, truly: on the first proposition we will only observe, that where a national monopoly, entire or partial, exists, a judicious tax laid on an exported commodity, or on the raw material of which it is formed, may be derived to the national exchequer from the foreign consumer. Thus the Spaniards drew a large revenue from Mexican silver; thus the Chinese government might evidently share in the three and a-half millions which our Treasury obtains by our consumption of tea. Our own duty on exported coals is a clear gain from the foreigner. Sir Henry Parnell proposes its repeal, but surely a tax is useful which, unpaid by ourselves, checks the rapid waste of our manufacturing talisman. However, though the general principle is certain, in theory its application, without doubt, is exceedingly nice. As for the repeal of protective duties, whatever may be the difference of opinion on other and minor points, we may, we believe, assume it as the doctrine of the sound thinkers on all sides, that British land, subject to such and so many peculiar burthens, has an equitable title to especial safeguards.

Another proposal (the work contains none so valuable) is the reduction of the duties on foreign spirits and on tobacco. This we must give in our author's words.

'The great disproportion of the duty on tobacco to the natural price of it, the circumstance of its being almost a necessary to the lowest classes of society, and the facilities the high duty holds out to illicit trading, concur in rendering it one of the most objectionable duties. As the price of tobacco, exclusive of duty, cannot be taken at more than 4*d.* a lb., the tax of 3*s.* a lb. is at the rate of 900 per cent.; and therefore, in order to withdraw this article from the hands of the smuggler, a very large reduction ought to be made. Unless reduction is carried sufficiently far on this and other articles, smuggling, and the expense of attempting to suppress it, will continue, and thus the principal object in sacrificing revenue will not be attained. A reduction of 2*s.* a lb. on tobacco might perhaps put a stop to the smuggling of it; but if such a reduction should be made, the loss of revenue cannot well be estimated at less than 1,500,000*l.* With respect to smuggling, the duties on brandy and geneva are as objectionable as that on tobacco. As the price of them, exclusive of duty, does not exceed 4*s.* a gallon, the duty of 22*s.* 6*d.* (I. M.) a gallon is 550 per cent. . . . . With respect to the sacrifice of revenue which would be made by reducing the duties on tobacco and spirits (three millions) in the manner now proposed, when it is taken into consideration

deration that this amount of revenue is obtained by promoting smuggling to the extent which it is now carried on, (for it is almost wholly confined to these articles,) and by incurring an annual expense of 700,000*l.* in attempting to suppress it, it is clear that it is impossible that such an amount of revenue could be raised by more objectionable means.'—p. 58—61.

The hope of improved produce from the tobacco-duty is strengthened by the presumption that full three-fourths of the tobacco now consumed in Ireland are supplied by smuggling. Retrenchment lies within the stubborn bounds of public faith and necessity; but commutation of taxes expands as it is exercised. The relief is neither confined to the consumer of the disburthened commodity, nor to the grower or manufacturer; for when one branch of production gives a widened vent to lazy capital, the circulation is quickened in all other channels. The substitute for the indirect taxes thus diminished or removed, would, of course, be a moderate property-tax. The public desire of the relief which this tax alone can afford, grows daily: it is, beyond all others, cheap in collection; and, when it is not an income-tax, the most fair in its pressure. In part, it converts the very debt of the public into a source of revenue; and, above all, it would save a portion of the treasure which our self-exiled countrymen scatter on the highways of France and of Italy. This drain of our wealth is rated, by a gentleman of great talents and experience, who has deeply examined the painful subject, as high as nine millions sterling yearly. We suspect that this estimate may be somewhat too high; but in France alone we know, by a police report of last August, that, besides 6,680 mechanics, 29,000 English men, women, and children breathed foreign air, mangled a foreign tongue, and, far from the abodes of their childhood, from their ancestors' resting-place, unlearnt, perhaps despised, the customs, the manners, the feelings, the language, and the faith of their country. If at home they would pay twenty per cent. in the weekly and monthly disbursements, could they complain if a round ten per cent. were laid upon their remittances to Paris or Naples? This levy, impossible otherwise, would be most easy under a general property-tax: each income would already be known, and the customs need but return from the outports their entries of passengers; according to which, a rateable increase of income-tax might be charged on the gay defaulter, who would still, by his withdrawal, evade one-half of his due. We trust that this protecting duty on light French graces will not long be denied to those who yet hold a heavy stock of old-fashioned English honesty. If the estimate of the gentleman above-mentioned be at all near the

truth, the British revenue now consumed abroad is not much under the cost of our whole actual public establishments put together—and we must take leave to say, that we have witnessed, with very great regret, the recent waiving of this subject in parliament. The country will give thanks where thanks are due—but no boons granted as to minor matters will compensate for the refusal to grapple manfully with questions of such portentous moment as that to which we have been alluding, and some others to which on various recent occasions we have more fully directed the attention of our readers.

We can barely mention the three principles on which Sir Henry Parnell proposes to cope with the extraordinary expenses of war. These costs he would, in the first place, when possible, defray by immediate taxation. Now, the instant pressure of the burthens of war is not only a preventive of debt, but may also be a useful check on protracted hostilities. Against one merit, however, must be weighed the financial means of the nation,—and against the other, the justice and the policy of the contest. If loans, however, be required, Sir Henry would borrow all money at par, in a redeemable stock, bearing an interest of five, six, or seven per cent., as the urgency of the case, and therewith the demands of the lender, may rise. This course is the most obvious, but, by the very proof adduced in its support, is shown not to be always the most economical; for it is argued, that from 1792 to 1803 the annual average excess of interest on the five per cent. stock, above that paid on the three per cents., was no more than 12*s.* 6*d.* per cent.* Now, from this very datum, it is easy to prove that the five per cents. were a bad bargain for the Exchequer. Twelve and sixpence yearly paid, from 1797 to 1822 (in that year the five per cents. were reduced), cannot, at compound interest, have amounted to less than thirty-five pounds. But twenty pounds, and no more, were the capital value of the sixteen shillings then docked from the original dividend,—a saving most dearly purchased. Better far, though not free from objection, is Mr. Brickwood's suggestion, by which stock of high interest is made irredeemable for a long period of years, within which the holder looks forward to the safe enjoyment of income, after which the nation will obtain a cheap, though distant relief. But to the baronet's third principle, though Mr. Huskisson has praised, and his Majesty's government have adopted it, we are bound to take yet more decided objection. This principle is the conversion of permanent dividends into annuities terminable within a short period. In every case of annuity the actuary must provide, that, besides the market interest for money

* Financial Reform, p. 291.

advanced,

advanced, the capital shall also, within the limited time, be reimbursed to the lender by an instalment included in the yearly payment. Thus 600,000*l.* of our public life annuities are stated, by Mr. Finlayson, to be worth no more than 300,000*l.* of perpetual payment. The remainder, therefore, one half of the yearly disbursement, is a repayment of capital. On this footing it is proposed by Sir Henry to apply one million yearly to the redemption of debt. The scheme is judicious, if public tranquillity have, in the mean time, no interruption to fear; but if war bring again its expenses and consequent loans, how then will stand the account? We cannot draw back our pledge from our annuitants; yet we have no surplus, save of expenditure. The debt paid by one hand, the other must borrow; and thus, if this measure be largely persisted in, we shall once again revert to the squirrel-like movement of a revolving sinking-fund.

We cannot at present enter more fully into the view taken by Sir Henry Parnell of the financial condition of this country in general; but considering how seriously the work of a man who has held such a station may affect the minds of our fellow-subjects at a distance, we think it our duty to lose no time in entering our broad protest against the doctrines advanced by him concerning our colonial possessions. We can quite understand the reasoning of those who contend that in the present distressed state of the country, and under the load of debt which has been entailed upon us, we ought to adapt our expenditure to the exigencies of the times, employ a cheaper government at home, and limit our colonial possessions to the means which we can conveniently spare for their defence. This language is intelligible; but do not let us write ourselves down asses by disseminating opinions respecting these dependencies, which are as false in the main as they are novel in their introduction; nor endeavour, like the fox in the fable, to depreciate the worth and importance of that which it is possible we may, from the pressure of circumstances, be obliged to abandon. This, indeed, would be a fruitless task, for we are little likely to succeed in working upon the notions of our foreign neighbours. They are too sensibly alive to the value of these possessions, which it is now the fashion to decry; and it must be borne in mind, (although in the consideration of this question it would seem to be totally lost sight of,) that certain colonies, which, from peculiar circumstances, may be valueless in the hands of one power, may become formidable rivals when transferred to another state; and that as they cannot, when abandoned, be scuttled and consigned to the waves like a sinking ship, they must, in many cases, be left to become the property of other nations, to the detriment of those dependencies which may still

still be retained, and, in many instances, to the derangement of what has been settled by treaties, well considered, and the result of long wars with the other powers of Europe. Let us look at the difficulty fairly and as statesmen, not as the theorists of the day would induce us to consider it. Before, indeed, we have done with this subject, we doubt not that we shall be able to convince those of our readers who have not bound themselves over irrevocably to the new doctrine, that the broad statements of Sir Henry Parnell, by which he would undervalue the commercial advantages of our colonies, are not founded on facts or in just reasoning, but on the false calculations of a pitiful system of economy; and we would then ask, is it on such grounds as these alone that a question of this magnitude is to be considered? are pounds, shillings, and pence to be the only elements on the scale of estimating the future greatness of this country? and is Great Britain to sink into a secondary power without at least being aware of the effect which the measures that are recommended to her will infallibly produce? How has this 'little body with a mighty heart' contrived to become what she is? Is it solely by the small territory which she possesses in Europe, and by confining her energies and expenditure to the advancement and improvement of the British isles? Are we to be shorn of all those appendages in which a large portion of our strength consisted; and when an attack upon us is meditated, shall our enemies at once 'seek the lion in his den, and fright him there, and make him tremble there?' Have not our colonies served as the outworks of the power and greatness of Great Britain, and has not her dominion been extended by these means to the most distant parts of the world?

We reserve to another part of the discussion all consideration of the commercial advantages to our trade and navigation which our colonies hold forth; but have they not in all times served as the receptacle of large portions of our superabundant population, and might they not now be most advantageously employed in the same manner to a far greater extent? Look at the stirring times of Elizabeth and James, and see what number of young adventurers of family and fortune were induced to employ their energies in expeditions in search of distant lands, 'some to the wars to try their fortune there,'—'some to discover islands far away;' and we should be glad to know, if our foreign possessions were cut off, how a vast proportion of those persons who have hitherto found employment of various kinds in them are to be provided for; whether the parent state is not enriched by their return home to spend fortunes acquired by years of labour abroad; and whether this class of the community would

would not, if our colonies were given up, swell the number of those thrown into poverty and dependence, in the same way as any sudden reduction of our army or navy would operate in increasing the number of the unemployed poor.

There can be no doubt that the value to Great Britain of various colonies is materially diminished, by the altered circumstances of the world in some cases, and in others, by the exhaustion of the soil, or the impediments which are thrown in the way of its cultivation. Could the planter divest himself of his property in those West India islands whose fertility has been worked out, and transport his slaves to our possessions on the main land, where they might be employed in cultivating a virgin soil, he would, undoubtedly, do wisely in abandoning the old islands; but how is this transfer to be accomplished? The law forbids the adoption of this measure, as far as relates to the removal of his slaves, and the losses which he would incur from giving up his establishments and setting up afresh in a new quarter, render such a beneficial arrangement altogether impracticable, unless he were at liberty to transport his slaves also.

Situated as he is, therefore, the West India proprietor can no longer employ his capital to the same advantage as he has done hitherto, and one of the great objects which render our foreign possessions valuable cannot be urged to its fullest extent in favour of the West Indies. The diminution in the value of property in that quarter has been in some degree also occasioned by the non-residence of those who possess the great estates; the chief seats in the assemblies have thus fallen to an inferior class of men, and the feeling towards the mother-country has gradually become less cordial than the close connexion between the two would render desirable.

The reasons which we have urged will show how many difficulties stand in the way of the relinquishment of some of our colonies, and we shall endeavour to point out that in other cases, where they have been condemned as useless and expensive, it would not be an easy task, without great injustice to individuals, to follow the course prescribed, by retiring from them. Indeed, if the wishes of the mercantile world were alone consulted, we believe that the government of this country would be constantly engaged in adding to, instead of diminishing the number of our colonies; for, without reckoning those several important positions (such as the Falkland Islands, Nootka Sound, &c.) which, we are told by Mr. Leckie, or those of his school, ought to be secured for Great Britain as a means of retaining her influence in the scale of nations, there are spots in all parts of the globe which our merchants would add to the list of our dependencies for the purposes of trade, such as

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parts of New Zealand, certain islands and ports on the coast of the Red Sea, &c. &c.

Sir H. Parnell declares (p. 250) that 'there are only three ways in which the colonies can be of any advantage,' and we shall begin with the first of these, viz. 'in furnishing a military force.' Excepting, perhaps, in the early periods of the Greek and Roman history, the occasions are very rare indeed where recruits have been furnished from colonies for the defence of the parent state. On some peculiar cases of emergency, the old colonies of North America, it is true, armed a considerable force in defence of the common cause, but this must be considered rather as an exception to the general rule, which would point out that the protection and aid should be furnished by the more powerful body. Were this subject, indeed, investigated and understood as it deserves, we are satisfied that we should hear no more outcry against our colonies, for failing to provide the means of their own defence; and the impossibility, as well as the unreasonableness of expecting them to do so would be soon apparent. Those who hold this language, we suspect, are very little acquainted with either the state of the colonial finances, or the amount of the military expenditure which the provincial funds would be called upon to defray; and we should recommend the economists of the present day to take the trouble of making some inquiry into the subject before they persevere in the maintenance of doctrines which are wholly untenable.

It may, indeed, be a question whether, supposing it be possible to get rid of certain of our colonies, they are of sufficient value of themselves to justify the large expense which is incurred in their defence; but, if it be our policy to retain them for the purpose of extending our power or commercial greatness, (and it is for one or other of these objects that the two great classes into which our colonial possessions are divided must be considered valuable,) it is our duty to see that they are secured against any external attack which their connexion with this country may at any time bring down upon them. For what, after all, are many of our colonial possessions but outposts for the maintenance of the power of Great Britain—bulwarks, like her floating castles, to keep up and defend the chain of her influence throughout all parts of the world?—and is it reasonable to contend, that, because these possessions belong to a warlike state, always exposed, from her preponderance in the affairs of Europe, to be the object of attack at the hands of her neighbours—that the colonies should, therefore, be compelled to submit to the expense of surrounding their coasts with batteries, and of keeping up a large military force to prevent the sudden descent of some European belligerent with whom England may be

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at war? We should say that the colonies are bound, in the first place, to provide altogether for their own *internal* defence; and, secondly, to afford such aid to the military expenses of the mother-country as their means can supply: for instance, that at the Cape, where the Caffres may be troublesome, or in Jamaica, where the slaves may rebel, the colonists should enrol themselves in militia or fencible corps, the expense of which, and of the staff, should be defrayed from the colonial revenue. It is right, at the same time, to add, that although, in the ordinary condition of the colonial finances, it is unjust to expect that the regular troops employed in guarding these distant possessions should be paid by the colonists, yet, we can have no doubt that, as far as the resources of the colony will permit, the mother-country has a right to expect that they should be applicable to her use; in short, that if, after the civil and militia establishments have been provided for from the colonial revenue, the means should be forthcoming, they ought to be employed in paying the troops employed in the defence of the colony, or even in contributing to keep up the naval force by which its shores may be guarded; and this, in point of fact, has already been the practice in various instances, although we believe that very little credit is given to the colonial governments for such exertions, not only by those who take such a superficial view of the subject as Sir Henry Parnell, but even by persons who ought to be better informed.

As Sir Henry conceives that he has discovered grave matter of inculpation in the Treasury letter, of the 24th March, 1827, against the colonial department, we have made it our business, on a principle of fairness, to inquire into the real state of the case, with a view to ascertain what explanation could be given by the other side, which has not had the advantage of being heard in its defence. The charge brought against the colonial government is, 'that the collective expenditure of five of our colonies has exceeded, on an account of ten or more years, the colonial revenues applied to the discharge of it, so as to have constituted a deficiency of upwards of two millions sterling.' Now we find, on inquiry into the cause of this apparent deficiency, that it is to be entirely attributed to these colonies being burthened with a very large proportion of their military expenditure;—an imposition which, we maintain, they are not called upon to bear, unless they should be found under circumstances of peculiar prosperity and affluence. When our readers are informed that of these five colonies, which are enumerated as being in disgrace at the Treasury, Ceylon has, for some years past, contributed a very large sum annually to her military defence; that Malta has done the same in proportion to her means; and that the Cape and Trinidad

Trinidad would have had to produce an excess, instead of a deficiency, of revenue, had they not assisted largely in bearing the expenses of their military defence, it will probably be admitted that the charge against these colonies has not been fairly substantiated, and the whole is a blunder of the financial reformer, founded upon an oversight of which the Treasury were guilty in the examination of the colonial accounts brought before them by the Audit Board.

It cannot be expected that all the parts of a political union shall be so nicely adjusted, as that none shall contribute, in a larger degree than the rest, to the public security; but as the strength of any fabric can only be considered equal to that of its weakest part, so, upon a principle of self-interest, if no other and more worthy motive existed, it is surely politic to guard against the dangers to which the whole community might be exposed, from the defenceless condition of one of its smaller dependencies?

The second mode in which Sir Henry Parnell maintains that a colony *may* be advantageous to the parent state, is by 'supplying it with revenue.'—Some of the ancient states, it is true, imposed tribute upon their colonies; and a few of the modern powers of Europe, such as Spain and Portugal, have no doubt drawn supplies from their Transatlantic possessions—which the parent state, it is believed, exacts from Cuba even to the present day; but, without going over the debateable ground concerning the value of the intercourse between Spain and her colonies, it is sufficient for our purpose to observe, as is stated by Sir Henry Parnell himself, that 'we have declared, by the act of the 18th Geo. III., that we will not levy any taxes or duties in the colonies except for their use;' and in doing so, we only acted in conformity with common justice, and with a due attention to those relations which ought to subsist between the stronger and the weaker power.

It is quite necessary to establish some principle by which the government at home should be guided in calculating upon the degree of assistance to the finances of the empire which ought to be afforded by each of its colonies; and in settling in what way this relief to the pecuniary burdens of the parent state should be contributed—whether by the colony taking upon itself a certain portion of the military charge, by an annual payment to the Ordnance for military defences, or by any other mode, where the peculiar expenses of the mother country might suggest a particular species of relief—as in the Australian colonies, where the colonial funds might be charged with a part of the expense of maintaining the convict establishment, if the place of transportation be not altered (as it ought to be) to a less distant, and less expensive quarter. It will not be possible, however, for obvious reasons, to lay

lay down any general rule as to the precise manner in which the colonies may be required to contribute to the resources of the empire. Trinidad, as an island with a sufficient revenue, might fairly be called upon to pay the annual cost of the works which may be necessary for its defence, or for the accommodation of the troops; whilst from the little island of Nevis any aid of a like kind could not reasonably be expected. The experiment, however, of calling upon the assemblies in the West Indies to take upon themselves some share of the military expenses, when tried in 1816 by the government at home, is said not to have been attended with any success: all declined to come forward, alleging, that 'their means were crippled by the commercial arrangements of the mother-country.' We suppose, if the proposition were repeated, the same excuses would be made, even after all that has been done for the establishment of free trade; for we are inclined to think, that the freedom of trade which is so clamorously sought for by these gentlemen, is—like the equality of the democrat who would level *down* to himself—an exclusive market (without payment of duties) for their own goods in the harbours of the mother-country, but a close monopoly against the rest of the world. The fact is, that, excepting in Jamaica, where the dread of the black population produces a powerful effect on the purse-strings of the planter, very little is done in the West Indies to relieve the mother-country from the military expense; and, at this moment, Jamaica even has withheld her usual annual contribution, of upwards of 60,000*l.* for the maintenance of the king's troops, on account of a quarrel with the Treasury at home. We are by no means sure, however, that the government ought to be satisfied with the conduct of many of our colonies in this particular; or that the forbearance of Great Britain, since the Declaratory Act, in not pressing upon her dependencies for that degree of assistance, which she might reasonably look for in the midst of her present financial difficulties, has been properly understood and appreciated. France, in the administration of her colonies, pursues a far less disinterested course,—for she occasionally looks to them, not only for the civil, but for their ordinary military expenses; and we are much disposed to think, that whenever a boon is to be granted to one of our foreign possessions, or a concession to be made to any claim, which they may consider a right, it ought to be accompanied with a promise, on the part of the province, to undertake, for the future, some additional portion of the burthen borne by the mother-country. Should the Assembly of Canada, for instance, gain their point, in regard to the future appropriation of certain duties, levied

levied under an act of the late king, the province ought, in its turn, to take upon itself to discharge a large share of the military defence. It is quite able to do so, having, as we are informed, a large sum unappropriated in the colonial treasury.

It would be very possible, if the assemblies were agreed on the point, to establish a cheaper system of government generally throughout the West India islands, and that such mutual assistance should be rendered as would preclude the necessity of many expensive appointments which are at present kept up,—one governor, like one chief justice, might go the circuit of several islands; but if each island chooses to have its own peculiar officers, is it for the home government to object to this arrangement?

The third way in which it is admitted by Sir H. Parnell that colonies 'may be advantageous to the parent state, is in affording commercial advantages.' The doctrines which have of late years been advanced on this subject, appear to us so wholly preposterous, that we do not consider it necessary to attempt any formal refutation of them, especially since we should hardly conceive that Sir H. Parnell can survey the forest of shipping which may be seen huddled together in the river Thames, or the spectacle of the same kind which Liverpool displays, without having some misgivings as to the correctness of his anti-colonial doctrines. As a specimen, however, of the self-satisfaction which the late Chairman of the Finance Committee feels at the success of his own reasonings, and the extent of his admiration of the new light which has extinguished the farthing rushlight by which our ancestors groped about in the dark, we may quote the following passages:—

'It is clear, therefore, that, on the whole, the public derives no commercial advantage from the colonies, which it might not have without them.'—p. 252.

'This general reasoning, which the principles of trade suggest, in refutation of the imaginary advantages of colonies, is completely borne out by the experience of facts. The history of the colonies for many years is that of a series of loss, and of the destruction of capital; and if to the many millions of private capital, which have been thus wasted, were added some hundred millions that have been raised by British taxes, and spent on account of the colonies, the total loss to the British public of wealth, which the colonies have occasioned, would appear to be quite enormous.'—p. 253.

'The discovery of the real sources of wealth has shown the folly of wasting lives and treasure on colonial possessions.'—p. 214.

As we shall return to this subject when we come to the special consideration of our North American provinces, we shall only briefly observe, that it might be imagined, from the terms in which colonies

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are here described, that they were some monstrous abortions—some illegitimate produce—which the parent state was ashamed of, and compelled to disavow; instead of being intrinsically part and parcel of our own population, and therefore entitled to the same consideration, and the same care, (whatever that may be,) which we claim for ourselves; and that when the reformer talks of the 'destruction' of capital, we apprehend he should have used the word 'employment.'

In these days of compendious instruction, few people will take the trouble of probing, by the laborious process of investigation, the truth of statements when hazarded with a confident tone by those who may have credit for understanding the subject under consideration. We have, therefore, been induced to examine, with the most scrupulous accuracy, the various official papers on colonial subjects which were submitted to the Finance Committee, and which, at various times, have been laid before parliament; and we cannot deny ourselves the satisfaction of giving the most material results which may be deduced from them. We have no doubt that these will be interesting, if it were only for their novelty, to those whose notions about the value of our colonies have been derived from such authorities as Sir H. Parnell.

	£.	s.	d.
1. The aggregate annual value of the trade between Great Britain and her Colonies may be calculated, on an average of three years (in which that trade was subject to great fluctuations), as exceeding	20,000,000	0	0
(The imports into our Colonies being nearly 9,000,000*l.* and the exports from them rather exceeding that amount.)			
2. Probable amount of sums raised annually in the Colonies to meet charges of their establishments	1,855,394	5	3¼
3. Expended by the Colonies for the maintenance of their civil establishments, independent of military defence	1,727,635	17	2
4. Aggregate amount of parliamentary grants, and advances otherwise made by Great Britain in support of colonial establishments . .	173,657	3	6
5. Aggregate amount of charges defrayed by Great Britain for military defence of Colonies, without reference to the charge of naval protection, as the expense of keeping up our navy may properly be considered the price paid for the security of our commerce as well as of our colonial possessions	2,173,000	0	0
6. Aggregate amount of charges defrayed by the colonies in aid of their military defence .	312,654	11	3½

7. Annual

	£	s.	d.
7. Annual current expense incurred by Great Britain for suppression of the slave trade, including charge of liberated Africans . . .	150,000	0	0
(This charge is estimated by Sir H. Parnell at 400,000*l.* per annum, which is grossly exaggerated, even if the expense of the settlements of Sierra Leone and Fernando Po be taken into the calculation.)			
8. Annual charge for the penal settlements in the Australian provinces for the maintenance of convicts, and their conveyance to the place of transportation	250,000	0	0

From which it would appear, first, that the colonial trade of Great Britain is of such importance that the sum of 7,936,999*l.* 16*s.* 6*d.*, the gross amount of duties of excise and customs paid into the British Exchequer on produce imported from the British colonies into this country (taking an average of three years), amounted to nearly eight millions pounds sterling, thus exceeding, by upwards of five millions and a half, the whole charge which Great Britain incurs *for all her colonial possessions:* Secondly, That, setting aside the charges incurred by the attempt on the part of this country to put down the slave trade, as well as the expense occasioned by the present system of transporting our convicts abroad, the cost of maintaining our colonies is entirely confined to that entailed upon Great Britain by their military defence, to which they do, in part, contribute (although we contend that it is only under certain circumstances that they should be expected so to do); and Thirdly, That not only the colonies actually do defray the charges of their civil establishments, with the exception of the grants, amounting to 173,657*l.* 3*s.* 6*d.*, which are made annually from the British Treasury for this purpose, but, when taken collectively, the sums raised in the colonies (if the contributions paid by them for their military defence are not taken into the account) would not only cover all the expense of maintaining their establishments, but leave a surplus of 107,758*l.* 8*s.* 1*d.*

Sir H. Parnell goes on to say,

'A colonial budget should be stated to the House of Commons every session by the Chancellor of the Exchequer, and all colonial expenses should be voted on a distinct estimate. The official establishments in the colonies should be revised, and reduced to what is merely necessary; excessive salaries should be diminished, and none but efficient officers should be appointed.'—pp. 237, 238.

We have long been of opinion that, by laying before the House of Commons, annually, a detailed statement of the financial condition of our colonies, the colonial minister would be

be able to remove from the government at home much of the obloquy which has been thrown upon the administration of our foreign dependencies; in a great measure, we are inclined to apprehend, from gross ignorance of the real state of affairs; and from the notion that the same practices are carried on, in the bestowing of colonial patronage and pensions, which prevailed at a period when a more profuse system, in carrying on public affairs, was universally admitted, and pervaded all departments. The days, however, of mystification about laying such accounts before parliament are now gone by; and such a material change has taken place in the public feeling in this respect, that no advantage whatever could be derived to the government from any attempt at concealment with respect to such affairs. We should say, indeed, that this is carried now to a most prejudicial extent, in regard to the presentation of papers to the House of Commons: formerly, it was thought incumbent upon those who required them to show good cause for their production, before the government consented to produce them; the reverse is now the practice. Papers are seldom, if ever, refused; and thousands of pounds are voted away by our *soi-disant* financiers, in the printing of papers, by which no useful purpose whatever can be gained.

In agreeing, as we have thus stated, with our author's recommendation, as to the mode of bringing the financial affairs of the colonies before parliament for the future, we think it right to observe, that the notion is one which has been long entertained by many of those persons who have given their attention to these concerns; and that there is nothing more easy, for those who are not called upon, either to fill up the detail, or to execute the embryo projects thus loosely sketched out, than to lay down very sapient and judicious propositions for the guidance of others. 'Accounts should be laid quarterly, *at least*, before the treasury,' says Sir Henry Parnell—and thus annihilates both time and space, which render so frequent a report as could be wished of the finances of distant colonies, absolutely out of the question. 'None but efficient officers should be appointed'—an observation, which no one, we suppose, will be bold enough to dispute: but are there efficient people, we should like to know, always to be met with?—and, does not a difficulty exist in finding fit persons to undertake arduous and ill-paid offices, in unwholesome climates, when, after a service of many years, and with a broken down constitution, the public servant has only the prospect of coming home without being entitled to any retiring pension whatever to maintain him in his old age?

We know something of the internal condition of the colonies, and of the salaries and general situation of those who are employed there;

there; and we maintain, without fear of contradiction from those who will take the trouble to investigate the matter, that, with very few exceptions, (certain cases, in the Mauritius and Ceylon, for instance, which are even at this moment, as we learn, in process of reduction;) there is no body of men whose salaries ought less to be considered 'excessive,' than the colonial servants of the British empire.

When Sir Henry Parnell, too, lays down the law in regard to the annual estimates, which he would have produced to parliament, we presume he does not intend to include, in this general return, the colonies having legislative assemblies of their own. They will of course decline to submit themselves to any such examination, even though Sir Henry Parnell himself should be at the head of the inquiry.

We shall now discuss as briefly as the subject will admit, the projects of colonial reduction distinctly proposed by this writer. They are somewhat extensive, for the Ionian Islands, Ceylon, the Cape, Mauritius, and our North American provinces are all to be got rid of at 'one fell swoop;' but, then, there is nothing so easy as to propound these doctrines; the sound is grand—and what signifies it to leave your merchants, your colonists, in a state of alarm, lest, after all their arrangements and expectations, they should be left to shift for themselves at a time, perhaps, when they may be least prepared for such a change?

The case of the Ionian islands is wholly separate from any which we have noticed, and does not admit of being treated in the miserable mode of dealing with great questions, which is so prevalent in the present day. If certain economists have their way, although history may record our glories in war—she will describe us as having sunk into a nation of pettifogging shopkeepers during the period of peace which followed these exertions. The states of the Septinsular Republic, it seems to be forgotten, are not colonies of this country, whose interests we may decline to take part in whenever the occasion may suit us. They are independent states, which were solemnly placed under the protection of the King of Great Britain, *his heirs and successors*, by the powers of Europe, on a general arrangement in which the relations and interests of all were maturely considered; and we cannot divest ourselves of this charge, and relieve ourselves of the task which has been assigned to us, without violating our engagements towards all those who were parties to the treaties in question. Least of all can we admit, that, consistently with a due regard to our honour and credit, we are at liberty to adopt a measure of this sort as part of a general scheme of financial reduction. Let those who have broached opinions on this subject,—in many instances, we doubt not,

not, without much consideration,—take the trouble of examining the treaties by which these states were given over to our protection, and it will be admitted, that at least the subject must be debated on higher and more statesman-like grounds than any which we have heard advanced in its discussion.

We are told that these islands ought to be annexed to the new state of Greece, and that, by their geographical situation, they are naturally allotted to become a part of her kingdom. 'Le voisinage et la puissance ne sont pas des principes d'amitié entre les états,'—and it is rather singular to hear this incorporation recommended in a quarter where the loudest outcry was heard against the dismemberment of Saxony, and the uniting of Belgium and Holland under one government.

The public are, as yet, so imperfectly informed respecting the limits which are to be assigned to the kingdom or principality of Greece, that we are unable to argue with certainty as to their actual extent. It seems, however, to be nearly decided that they will not be advanced beyond the line of the Achelous, or Aspropotamos, on the western side, and it may be sufficient for our purpose to assume that such will be the case. Into whose hands, therefore, are the ancient Epirus and Acarnania to fall, and who may be the neighbours of the adjoining islands which are at present secure from any attack or molestation from the circumstance of their being under our protection? Even taking a more favourable view of the prospects of Greece than we feel it possible to do, we are much inclined to doubt whether we should be doing a kind act to the Ionian States by consenting to their annexation to a power whose infancy must be subject to many struggles; and, as far as the present condition of affairs in that country may authorize speculation, we should contend that one of the best hopes of the improvement and permanen civilization of Greece would be destroyed by prematurely throwing into the general mass of disorganization, states so far advanced, and so flourishing as the Ionian Islands are;—states which may, indeed, at some future day, form a part of the rising power, but which, in the mean time, ought to be kept distinct and separate, if it were only that they might serve as a guide and example for the establishment of order and good government in the continent adjoining. As we have alluded to the treaties which bind us to these Islands, we may now remind those who may be called upon to discuss this very important question, that the Ionians have a charter which cannot be abrogated without their consent, and that all the machinery of government is there in operation which may fit them, in the fulness of time, to be a substantive and independent power. And who shall say what may be their future destiny, and whether they may not, at some

distant day, become parts of a separate and maritime confederacy, combining in one league the great islands of the Archipelago as they gradually fall off from the Turkish yoke? thus forming a counterpart to the newly created dominion on the continent of Greece—and becoming important allies to this country in her future transactions with the powers of the Levant.*

We are very much mistaken if those who protest against the expense attending the protection afforded to these islands are at all aware of the actual truth of the case; and it may even not be without its use to inform our readers that all the expense of the civil establishments of those islands is borne by the states, and that we are only answerable for the cost of the military force employed there, which, in ordinary times, does not exceed three thousand men. It is true, as we know from the debates which have taken place on this subject, that, *by treaty*, these states are bound to maintain that number of troops when furnished by this country, but this expenditure was soon found to be totally beyond the reach of their financial resources, and the British government has for some years been content to compromise the matter by calling upon the Islands to defray the expense of the public works which are deemed necessary for their defence, to the amount of upwards of 20,000*l.* per annum; and to pay the charge of the military staff maintained in the Islands. When so many good reasons are given for pausing before we come to the conclusion at which Sir H. Parnell has arrived, that these states should be abandoned by us, we scarcely think it necessary to touch upon the question of their importance to Great Britain on the highest considerations of general policy. Although it is true we possess the splendid garrisons of Gibraltar and Malta, which give us a powerful command in the Mediterranean sea, yet in the present unsettled state of the arrangements consequent on the disasters of the Turkish empire, while one thing only is clear, viz., that a vast accession of strength has been given

* We subjoin an extract from a French newspaper, said to have been written by the Abbé de Pradt, and bearing certainly his initials, which may at least serve to show what is the opinion of some of the political writers in France as to the possible effects upon the commerce and greatness of this country, of the resurrection of the Grecian state, and of the projects which France and Russia are said to entertain against Egypt and other parts of the coast of Africa; perhaps it may at the same time lead our economists to pause before they rashly vote for dissevering our present close connexion with the Ionian states.

'Ce pays (la Grèce) deviendra la *Hollande* de la Méditerranée. Par elle, il s'élèvera dans ces contrées une rivalité de plus contre l'Angleterre, car il y a voisinage et opposition d'intérêt. Plus il y aura d'états maritimes dans ces parages, plus l'omnipotence Anglaise y décroîtra. C'est d'après ce principe, que tout homme politique doit appeler de ses vœux la conclusion de l'état équivoque de l'Egypte, et sa formation en état indépendant. Elle deviendra sur le champ une puissance maritime, et par conséquent rivale de l'Angleterre. Par la Mer Rouge, plus et plutôt que tout autre, le souverain de l'Egypte pourra atteindre l'Inde: si, au lieu des brigands inutiles qui la peuplent, l'Afrique comptait une grande puissance maritime, à la vérité Malte et Gibraltar ne seraient pas ravis aux Anglais, mais ils perdraient beaucoup de leur importance.'

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to the power of Russia in that part of the world, it cannot surely be maintained, that we should abandon anything in that quarter which can throw a weight into our scale, unless compelled so to do by some overwhelming necessity. Nor could we, without forfeiting our national character for good faith, withdraw our superintending care from the Ionian people, until it be proved, in a manner to admit of no dispute or hesitation, that, for the general interest of all the parties concerned, they ought to be placed in a different position.

Our possessions at the Cape, Mauritius, and Ceylon, are so intimately connected with our Indian empire, that we can scarcely consider it possible, whilst the question of renewing the Company's Charter is under consideration, that the importance of these colonies should not be adverted to. Whatever may be the future fate of India, these are points by which, as by a chain of posts, our power in the eastern seas is to be maintained; and we cannot conceive that any more fatal blow could be levelled against our commercial greatness than would be effected by the relinquishment of these valuable dependencies.

With Sierra Leone a long war has been waged by the public in general; and the cry for giving it up has been, with far more reason than in the other cases to which we have adverted, both 'loud and deep' for a considerable time past. Even those most interested and most zealous in the success of the original undertaking must find their zeal wax cold, and be compelled to confess that their efforts have not been attended with the results which were expected, at the time when it was selected as the fittest spot whereon to try the experiment of free labour, and to assist the efforts of this country for the suppression of the Slave Trade. A large body of Africans, liberated from slave ships, have certainly been located in the villages at short distances from Freetown, and accustomed to some of the usages of a higher condition of society; but we understand, that they exhibit no symptoms of approach to such a state of order and industry, as may give a promise of their becoming either united among themselves under one form of government, or useful in leading the inhabitants of the interior of Africa to adopt the habits of civilized nations.

Still their future condition must naturally be a matter of extreme concern to those who have to decide on the fate of the colony—and we conclude that the mode of disposing of these people, amounting now to upwards of 12,000, must form a considerable part of the difficulty in retiring from Sierra Leone, should such a measure be at present in the contemplation of government. The favourable reports which were propagated, of the island of Fernando Po, where the slaves might be brought, without that waste

of life, to which the long voyage to Sierra Leone, before adjudication, unavoidably exposes them, seemed to present a mode of getting over the difficulty of providing for the future disposal of these unfortunate beings; but from whatever cause it may proceed, whether from the jealousy of Spain, or more recent and more unfavourable reports concerning the island, we know not, there seems to be no progress made towards the removal to it of the Court of Mixed Commission, which has for some time been talked of; nor has any step been taken, as far as we know, which announces an intention on the part of the government of abandoning Sierra Leone at an early period.

According to the last advices from that quarter, it would appear that the Lieutenant-Governor having come home from ill health, there has been a general scramble for all the offices in the colony; and it really appears high time (especially as this devoted spot has last year been visited by the yellow fever in its most frightful form, in addition to the usual average of disease) to retire gradually from the place, and to give it up to those merchants who may choose to stay there for commercial purposes, and thus adopt the same course as has been considered advisable in the case of the forts on the Gold Coast.

As to the expense of the settlement of Sierra Leone, although any outlay may be deemed excessive which is bestowed on so pestilential a spot, yet, in point of economy, less probably will be saved than is imagined, by retiring from the place. In fact the whole sum expended upon it at present is ridiculously small, compared with the statements which have been put forth on the subject. Besides the military defence of the settlement, which will shortly, as we hear, be entrusted to one black company of the African corps alone, at an expense under 10,000*l.* per annum, including every possible military charge, the cost of the civil establishment is defrayed by a vote of Parliament, amounting to about 7000*l.* per annum, and by a sum of a similar amount raised by duties in the colony itself. The expense of the liberated African department does not exceed 15,000*l.* per annum.

What may be the sum expended in enforcing the acts for the suppression of the Slave Trade is entirely another matter, and one which calls loudly for inquiry. Were it not for this odious and thankless service, one small vessel of war would be quite sufficient to run down occasionally the African coast, and great would be the saving of men and money could the present system with propriety be abandoned.

'The governments of France, Spain, and Portugal, according to the parliamentary papers, make no efforts whatever to enforce the laws for putting down the traffic; and the persons in authority in Cuba

Cuba and Brazil not only neglect to execute the laws, but, in some cases, have been engaged in it themselves. So that our treaties and laws, where such parties are concerned, are so much waste paper; and spending money to try to give effect to them is a perfect folly. The African Institution say, in their twentieth report, "The slave-trade has increased during the last year; and, notwithstanding the number of prizes taken, it continues to rage with unabated fury."

We cannot, indeed, help thinking that a formal revision of the treaties which have been concluded by the powers of Europe on this subject is imperatively required, and that the extent to which the traffic in slaves is at this instant carried on by the French nation above all others, whilst our efforts and expenditure are fruitlessly employed in the vain attempt to put an end to these nefarious practices, is a disgrace to the age in which we live, and a standing monument of our credulity in expecting plain and straightforward dealing and adherence to engagements from other powers, when their interest would lead them to a different course of action. At any rate we cannot help considering, that until some fresh arrangements be made in regard to the execution of the acts for the abolition of the slave-trade, and for the disposal of the Mixed Commission Court, and of the Africans who are liberated by its decisions, all declamations against Sierra Leone are misplaced and absurd. There can be no question that, as a colony, it is not worth retaining; but where, within the necessary limits, is a healthy spot to be found, where the objects which the treaties have in view can be fairly accomplished? The hope that this desirable spot would be found in Fernando Po has apparently turned out entirely delusive.

We come now to the doctrine of Sir H. Parnell, that

'With respect to Canada, (including our other possessions on the continent of North America,) no case can be made out to show that we should not have every commercial advantage we are supposed now to have, if it were made an independent state. Neither our manufactures, foreign commerce, nor shipping, would be injured by such a measure. On the other hand, what has the nation lost by Canada? Fifty or sixty millions have already been expended; the annual charge on the British treasury is full 600,000*l.* a year; and we learn from the second report of the Committee of Finance, that a plan of fortifying Canada has been for two or three years in progress, which is to cost 3,000,000*l.*'—pp. 256, 257.

from which we infer that he considers our North American provinces to be ripe for independence, and that, being so, we ought to give them up. The history of our colonies (or even, sometimes, we fear, their actual geographical position) is so little known by the generality of the people of this country, that, at the risk of being thought tedious, we must preface our observations

tions on the Canadas by a few details, in explanation of the causes which have led to their present state of disquiet. They are the same which, in all former times, have produced disputes between the mother country and its colonies; and which, in all times to come, will produce the same effects under similar circumstances; viz., an impatience of restraint, and a desire to be entrusted with the management of their own concerns, on the part of the colony; and a habit of expecting obedience, in return for the protection given, on the part of the parent state.

The complaints, however, which paved the way for the separation of the American provinces, now become the United States, have never, since that time, been urged by any of the dependencies of Great Britain. The act of the late king (16th Geo. III.), which declared that no taxes or duties should be levied in the colonies, except for their own use, has put an end to all possible complaint on that score; and the most fertile sources of discontent in the actual distant possessions of the crown are generally of a far more trivial character. The people of the Canadas, who have usually maintained a reputation for loyalty and good order, beyond most other colonists, and who are probably less burthened with taxation and the other charges of government than the natives of almost any other country, are of late brought forward in entirely a new light, and represented as groaning under various oppressions and grievances, which call for redress; and the cry of a few violent persons, of a popular character, has been taken for the voice of the province in general. A growing feud between the governor-general of Canada and the colonial assembly, respecting the appropriation of the revenues raised in the province, at last ended in a complete rupture between the two parties. Matters then arrived at that point where the intervention of the home government was absolutely required, and in an evil hour that government decided upon referring the matter to a committee of the House of Commons.

There are very few occasions where, in our opinion, those who administer the public affairs are justified in delegating to others the duties which belong peculiarly to themselves; but this was one which, of all others, was most unfitted for such delegation. All the great principles of government were involved in the question under deliberation; and we should imagine, from what we have heard, that some of those selected to form part of the committee were not altogether fitted to deal dispassionately with such important subjects. A report has, accordingly, been presented to parliament, in which no opinion whatever is given on some of the chief points in debate, and some erroneous assertions have

have crept in which appear to have been founded upon ex parte statements received by the committee.

The result has been (as might have been apprehended from the first), that the communications to the assembly, made by the government at home, have been received in a very different spirit from that in which they were offered; and the tendency to faction and discontent in both the Canadas has not subsided. The few persons who, from interested motives, keep alive the feeling of acrimony towards this country, make up in activity for their want of numbers; and the French party there has acquired a degree of consistency which will render it difficult to restore the province to a state of permanent tranquillity, although the government at home, acting in the spirit of the committee's recommendation, have adopted throughout the principle of concession.

We firmly believe, however, that there is no wish whatever, on the part of the population of the Canadas in general, to throw off their dependence on Great Britain, still less to connect themselves with the United States; and although it must be confessed that the steps which have been taken lately by the assembly of Lower Canada, on receiving the communications made by the home government, do not augur well for the success of the conciliatory plan, yet we do not doubt that, if the proper measures be adopted, a good understanding between that body and the government may again be restored. The representation of the province has already received a considerable accession, by sending members from the townships; and although this, it is evident, instead of balancing parties, will still leave to one a decided preponderance, let us hope, that the feuds now existing will die away, as the numbers on the one side will be too insignificant to keep them alive. To put an end to the dispute, the government at home will do wisely (as, we believe, is their intention) to give up to the assembly the appropriation of the long-contested duties, reserving, at the same time, a sufficient sum to pay the salaries of the governors, the judges, and certain other officers in the service of the crown; for these public functionaries must not be left annually to the mercy of the colonial assembly, as the effect of such a step would be tantamount to abandoning at once all control over these provinces, and actually tempting them to assume that republican independence which they are by no means prepared for, whatever certain provincial demagogues may think proper to assert.

Of the importance of these provinces, not only to the greatness, but to the security of Great Britain, no one can entertain a doubt who has watched the progress of the United States, and the anxiety which they display, on every occasion, to encroach upon our limits. Instead, therefore, of talking of giving up what still belongs

belongs to us in North America, we ought, at once, for our own credit, as well as to settle the minds of the colonists, to announce, that until they are strong enough to maintain their own independence, we will never consent to their being dissevered from the body politic of the empire. We should doubt whether such a notion was ever sincerely entertained by any one worthy of the name of a statesman in this country, and we trust that no minister will ever be found who will consent to sacrifice, to popular clamour, these great possessions of the British crown. But the discussion of this matter resolves itself so materially into a commercial question, that it will require to be treated at some length ; and we shall only detain our readers from that part of the subject by adding, that when Sir Henry Parnell states that a plan for fortifying Canada has been for two or three years in progress, which is to cost three millions of money, he ought to have been aware that the government have long ago decided that all the expensive parts of this scheme shall be deferred *sine die;* and that half a million is much beyond the sum which it is proposed to expend on these works for some time to come.

Our author states that no parliamentary documents show what expense is paid, out of English taxes, on account of these colonies; but he calculates that, besides two or three millions paid annually, for army, navy, and civil charges, the public pay about two millions more for sugar and timber than they ought to pay, in consequence of the protection given to them ; and consequently, that the connexion with them is a loss to the nation! In reply to this, it must first be observed that no parliamentary document shows, *per contra*, the returns made by the colonies, and which, indeed, cannot be exhibited in terms of *£. s. d.* It is for the statesman to show what advantages are gained from the contributions made by these colonies to the navigation, commerce, manufactures, revenue, power, and influence of the empire; but instead of this, the financial reformer resolves the question of retaining them into a mere question as to the price to the consumer of articles imported from them, compared with what it would be if they were in a state of independence. Is it thus that a British senator can condescend to deal with questions such as these? So long as Great Britain is desirous of continuing a manufacturing, commercial, ship-owning country, and a first-rate power, colonies are essential to her ; without such possessions she would soon cease to be pre-eminent in any of these capacities. Founding colonies is like planting trees; they must be fenced, nursed, and protected. The return may not be immediate ; but it may be rendered certain, by good management. And so far from our conceding, after the fashion of this author, that the separation which, through

bad

bad management, has taken place between Great Britain and some of her North American provinces, must necessarily be followed by an abandonment of those which remain attached to us; or from admitting that the state and prospects of our trade with the former are such as should reconcile us to view with indifference the separation of the latter,—we are satisfied that neither moral rectitude nor political wisdom could be more flagitiously violated than by listening seriously to any such proposals respecting those loyal colonies which nothing but *bad treatment* can separate from us. High considerations of present interest, and considerations higher still as to the future, demand that our policy should be to cherish and protect the provinces that have remained faithful to us; set their interests apart from others; entwine them with our own; attach them by every bond that can be formed to protect their trade as colonists; provide for their defence against external force; assist them in fostering and developing their vast natural resources—and advance with paternal solicitude their moral condition. By such a course, we shall not only *enable*, but *dispose*, our American colonies to take upon themselves, in due season, such expenses as we shall have given them the means of sustaining—until at length, strong enough to stand alone, they come forward to act the part of a son who has been kindly treated, well educated, protected, and liberally provided for in his youth; and who, when 'set up in the world,' and enabled 'to do for himself,' would scorn to be a burthen to the parent who has so treated and formed him. Let not this be considered a romantic expectation; so far it is felt very generally, in the North American provinces; and to such a happy issue is this conduct tending. There are such sentiments in our nature, and why should there not be such principles in our policy? What a power should we thus raise!

Sir H. Parnell asserts broadly, page 240, that our colonies form a small portion of the market for British goods, and that the admission of foreign competition in them would scarcely be perceived at home. In tonnage and seamen the trade of the British North American provinces alone employ about one-fifth of the whole foreign trade of the country; and the North American and West India colonies together form about one-seventh of the existing market for British goods *. The population of the North American provinces may, at present, be estimated at one million, and is very rapidly increasing; demanding, in corresponding augmentations, the manufactures of Great Britain and Ireland, and likewise taking increasing quantities of the productions of our

* In the year ending 1828, the amount of tonnage employed in the British North American trade was 400,841 tons, 21,000 seamen. The whole tonnage of the United Kingdom was 2,094,347 tons, and five times 400,841 tons is 2,004,205.

West

West India colonies, upon which the United States have laid heavy prohibitory duties for the purpose of encouraging their own sugars. Thus, the British North American provinces supply the West India colonies, in return for their productions, with articles which the United States are forming their system only to sell for money!

The lands and waters of British North America contain inexhaustible supplies, just such as our West India colonies require, and for which they would become entirely dependent on foreign states, if we did not retain possession of those provinces. Giving up the one set of colonies would, therefore, incur the risk of losing both; or, if not, it would oblige us to submit to whatever might be exacted as to the rates of supply, when we should no longer possess the means of competition. The fisheries in the British waters of America are the finest in the world. If they were not ours, whose would they be? What would be the effect of the total abandonment and transfer to another power, of this branch of industry, upon our commercial marine, and consequently upon our maritime power? Can we be assured that we shall never again be shut out from the Baltic by a northern coalition, and so have occasion to depend entirely upon our North American provinces for the necessary supplies to enable Great Britain to maintain her naval superiority. Does the financial reformer,—who is thus cutting into the very vitals of Britain's greatness,—does he know what he would surrender?—has he estimated the consequences by which the abandonment of a *protecting* policy *must* be followed? There is no element of greatness, power, and influence that would not be conceded, and made to minister to others, should we thus trifle with the interests of the North American provinces, or show any disposition to undervalue them, far less to divest ourselves of them. Does Sir H. Parnell know, for example, that in those very regions—which policy such as his would assuredly be the means of severing from Great Britain—there are, besides many other valuable and inexhaustible resources, vast and boundless stores of the very article in which the manufacturing and chief shipping states of the American Union are most deficient, and the acquisition of which would be to strengthen that Union more than the addition of half a continent of mere agricultural soil? The British provinces contain coal of the first quality, and in endless abundance; and no more need be said, to satisfy persons who look beyond the mere surface of things, that on this account alone they are inestimable; that this precious ingredient of their value may be made to bring them nearer to us, and cement them firmly with us; and that to surrender such a boon to a rival nation would be an act of political suicide.

Nor

Nor is it in a colonial sense only, that the *statesman* should estimate the importance of our North American provinces; for, over and above their value as colonies, under the heads of *shipping employed*, *seamen trained*, *manufactures consumed*, and all the other items which might be enumerated; and, exclusively too, of the tremendous effect of putting all these elements of additional wealth and power into the opposite scale,—beyond these, there are considerations of a higher order still, which the statesman should view with forecast—the *influence which Great Britain, by retaining these possessions*, will continue to exercise, but which, by losing them, she would for ever abandon, in the affairs of the western world—that rising world, with which Great Britain may retain her connection, and indefinitely improve her influence, but by which, if she neglects it, she must submit to be rivalled, and perhaps, in the end, overpowered.

Sir H. Parnell asserts, page 234, that the public is made to pay more for timber than would be the case if the protection given to these colonies were taken off; that this protecting policy should, therefore, be abandoned, for the purpose of lowering price; and that, if this were done, and all restrictions on colonial trade taken off, each colony would be enabled to provide for the expenses of its government and defence, and should accordingly be *made* to do so. There is, perhaps, more of error, and of self-destructiveness, in this little paragraph, than was ever before exhibited in so brief a space, and in so bold a manner. If all our reformer's schemes were followed, the North American provinces would neither be *able* nor *willing* to provide for the expense of governing, managing, and defending themselves as British colonies, but, on the contrary, would become disposed to seek a change of condition in the federal family of those who know better how to estimate them, from a thorough conviction of their value to us, as well as what it would be to them. As to the general principle, that protecting duties occasion higher prices to the consumer, the reformer need not have troubled himself with a truism which applies to all subjects of taxation. He ought to have shown by what rule of policy the *statesman* could be justified in sacrificing or injuring *national interests*, to mere considerations of price to the consumer; and as to *making* the colonies pay for their support and defence, he ought to have known that they cannot be *made* to do any such thing. They may be *induced* to do so; but this can only be through such a course of *protecting* policy as may *dispose*, as well as *enable*, them to take these charges on themselves. It was never intended that the trade of the colonies should be altogether free. It was at least the intention of Mr. Huskisson, that the importation of foreign goods into the colonies

nies should be made subject to duties sufficient to protect like productions of British industry—that England might still enjoy the old monopoly with respect to supplying her colonies with her productions; and the colonies their counter-monopoly of supplying the United Kingdom with their productions. Sir H. Parnell asserts, that the continued protection thus given to the British manufacturer is an *error* and a *failure* in policy. He is right as to there being an alternative; but that which he recommends, namely, page 40, 'to get rid *in toto* of the colonial monopoly,' and likewise to take from the colonies theirs, would be, in effect, to render the colonies valueless to us, and the colonial connexion useless to them. In a word, to abandon our present policy would be to lose our hold of the colonies altogether—and to do so would be to cut from ourselves, in the midst of all our difficulties, about one-third of the actual trade of the country.

The experience of all nations, the lessons of all history, are against this gentleman's theory. America has been planted, peopled, and enriched, but not by such schemes. The United States make no such experiments on themselves; nor will they meet any such propositions from others. If the duties protecting the colonial timber trade were abolished, the North American colonies would become, *pro tanto*, valueless. We might buy timber cheaper, but it would be brought in foreign vessels, and paid for chiefly in money; and if, together with this, the course of policy were now abandoned, which is rapidly forming a very beneficial intercourse between the West India colonies and the North American provinces, the latter would be entirely ruined in almost every expectation of advantage to which they can look, as dependencies of Great Britain. It is well for us, then, that the restrictions which protect the colonial and inter-colonial trade are not taken off. If that should ever happen, their industry, as colonists, would be ruinously injured; and the immediate consequences would not be, as the reformer imagines, page 245, a 'turning of their skill, industry and capital to other pursuits,' but a disposition to think seriously of turnings of another description.

We beg leave to call the attention, not only of Sir Henry Parnell, but of the British public and parliament, to the style in which *others* think and write of possessions which we are thus recklessly called on to tamper with or abandon. The following is an extract from the last number of perhaps the most influential journal published in the United States:—

'It is very desirable that the people of the United States and of the British provinces should become better acquainted, and be led to take a more lively interest in each other. Their fathers were united by the bond of a common country; and it needs no spirit of prophecy to foresee, that the time must come, when, in the natural course of events, the

the English colonies on our borders will be peaceably dissevered from the remote mother-country, and the whole continent, from the Gulf of Mexico to the Coast of Labrador, present the unbroken outline of one compact empire of friendly confederated states.'—*N. Amer. Review.*

This language, we should think, must startle the most inconsiderate of our readers. It needs no seer-craft to appreciate the drift of the writer's invitations and inuendos—and we are happy to add, is needs nothing but the knowledge of a few plain facts to shatter his prophecy to pieces. If ever our North American colonies should take up the ambition to be incorporated with the republic in their neighbourhood, they will have parted with the strongest feelings which at present pervade them, in almost every branch of society: such an effect could not be produced by anything short of gross folly and injustice here—and we devoutly hope no British minister will ever be found guilty of acting on such principles as are assumed throughout the whole of this section of Sir Henry Parnell's work.

The Baronet assumes, that if we were now to divest ourselves of our North American provinces, we might make them an independent state, and that, in intercourse with them as such, we should have every commercial advantage which we are now supposed to possess. First, we cannot make them an independent state; nor, if we could, should we dispose them to be one friendly to us, by the act of throwing them off *prematurely* for *selfish* and *narrow* reasons. We may train them to become such; but this must be by a mode of treatment very different from that which the author's 'Financial Reform' inculcates. There is no higher object of policy than to raise up, in that quarter, a powerful and finally independent state—as there is no doubt we may do—provided we continue to act on the old-fashioned principles, which have no place in the philosophy of Sir Henry Parnell. But 2dly, It is assumed that, if we had no colonies, we should be able to purchase from them, as independent states, at a lower price to the consumer, the articles which we now get from them as colonies. Treating this as a mercantile, and not a political consideration—does the writer not perceive that, by divesting ourselves of our colonies, we should render ourselves entirely dependent on foreign states, and, consequently, be obliged to deal with them on their own terms? So long as we possess sources from which to procure what raw materials we require, we can retaliate and compete; but, without these, we must submit to take what we must have, upon such terms as it may please the seller to dictate. Applying, however, his theory to Canada and our other possessions on the continent of North America, the reformer states (p. 256), that no case can be made out to show that, if those provinces were formed into an independent state, we should not draw every commercial advantage

advantage from them which we are now supposed to have,—that neither our manufactures, foreign commerce, nor shipping, would be injured by such a measure; that the nation has lost greatly by holding Canada, the annual charge for which on the British treasury is full 600,000*l.*; and that 50 or 60 millions have thus been expended accordingly. Before we proceed to make out, as we shall, a very strong case, exactly in the teeth of these assertions, we may notice, *en passant*, that Sir Henry's calculations are nearly as erroneous as his policy is absurd: for 600,000*l.* multiplied by 57, the number of years elapsed since Canada became ours, is about 20 millions—that is, just two-thirds short of what he states the drain to be; and this charged against us, without noticing any balancing, and as we shall show over balancing, considerations.

Since the author has stated it as his grand desideratum, that our trade with a colony should *resemble* that with an independent state, it will be of some use to show him, what the trade with the United States is at present, and what it is soon likely to become under the prohibitory system of policy adopted, and perseveringly adhered to, by that government.

The whole British tonnage trading to those British provinces in the year 1772, taken on an average of the three preceding years, was only 86,745 tons. That now trading to the British provinces is, as has already been stated, 400,841 tons, employing 21,000 seamen. The whole tonnage of the United Kingdom, in 1828, was 2,094,347 tons—consequently the British North American trade was then, and is now, about one-fifth of the whole foreign trade of the country; and that fifth should be considered a home trade, with a home market.

The amount of British manufactures consumed in British North America, in the year 1828, was 2,000,000*l.* value. The population of these provinces in that year may be taken at one million, so that they take in value about 40*s.* each person, per annum, of British goods.

The amount of British manufactures imported into the United States from the United Kingdom, in 1826, (see Watterston's Statistics,) was 26,181,800 dollars, which, at 4*s.* 6*d.*, is 5,876,975*l.* The population of the United States for that year may be taken at 12,000,000, so that the people of the United States do not take, per person, one-fourth so much of British goods as the people of the British colonies.

This is easily explained. The States of America, when our colonies, received from Great Britain every description of manufacture, and, till comparatively a recent period, continued to be dependent on Great Britain for such. If they had been properly treated

treated by the British government, and had that government not been factiously opposed at the time by a rash and reckless party in Parliament, they might have remained our colonies to this day. But having separated from us, as the reformer would induce, if not oblige, the others to do, the *independent* States are now manufacturing very extensively for themselves, and beginning to rival us in many articles in the foreign markets, under a system the very reverse of that upon the principles of which he constructs his reasoning. It is undoubtedly a great deal cheaper to descend to be a feeble, and to submit to be an inferior power, than to be rich and powerful; and, if perpetual peace could only be established, and we could persuade all other nations to adopt practically Sir H. Parnell's notions of commercial policy, the wisdom of retaining our foreign possessions might be doubtful. But how, without these, could Great Britain have gone through the late struggle against all Europe? The very sources of her industry, the materials of her manufacture, half the elements of her greatness, might have been cut off by such a combination as has been already witnessed among foreign nations;—a combination which nothing but the colonial power of Great Britain could prevent their renewing, or enable her to defy.

But why does the financial reformer halt at the conclusion that the number of colonies should be *reduced?* If his reasons are good for anything, they are good to prove that *no* colonies can be so beneficial to the parent as the same countries would be in the character of independent states. According to this the *whole* should be declared independent; trade made perfectly free; ships and troops recalled and paid off. Ireland, by the same rule, should be given upto Mr. O'Connell—and then, at last, a general prosperity, a commercial millennium, might be expected!

But, even if the author's reasoning were unanswerable, is it safe for this country to act upon the theory, before others are equally convinced of its soundness, and adopt it accordingly? The old prejudices, that mankind are benefited by associations for the exchange of labour under mutual compacts of a protective nature, and that it is impossible to apply pure and original theories, however true, to artificial statistical conditions, and to the infinite and peculiar varieties which may exist among their productions and pursuits,—these prejudices (as Sir. H. Parnell takes them to be) are still so inveterate, that there is danger, if we should discard our colonies, of their forming a new confederacy either with some rival power, or with each other, for the express purpose of adhering to the former system, to keep up the same kind of monopoly, as it is termed; and even if the reformer had shown that we gain nothing by having the monopoly in our favour, he

he must admit that we have something to lose in the case of one being formed against us. Foreign powers, without exception, still remain most obstinately attached to the old system. They seem to prefer the example by which our power was created, to the theories by which they and we are told it *may* be increased—but by which, in our humble opinion, as well as in theirs, it is much more likely to be undermined and ruined.

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